

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>			
TYPE	<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	NO					
	<b>X</b>					
<b>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>			
			HON	GEN	UOTIC	OTHER
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
ISSUES <b>A95.00</b>		INDEX NUMBER <b>A67.10</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
HEARING DATE <b>22 MAY 03</b>		CASE NUMBER <b>FD2003-0067</b>		<b>1</b>	ORDER APPOINTING THE BOARD	
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
				<b>3</b>	LETTER OF NOTIFICATION	
				<b>4</b>	BRIEF OF PERSONNEL FILE	
					COUNSEL'S RELEASE TO THE BOARD	
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
					TAPE RECORDING OF PERSONAL APPEARANCE HEARING	
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.						
REMARKS <b>Case heard at Washington, D.C.</b>  <b>Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.</b>						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>			
INDORSEMENT				DATE: <b>22 MAY 03</b>		
TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL, AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0067

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge is denied.

The board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15 for discharging his service weapon and causing damage to government property. He also received a Letter of Reprimand for making a false statement about an accident. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]  
[REDACTED]  
(Former AB) (HGH AMN)

NO MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Sep 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Jan 79. Enlmt Age: 18 7/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-74, E-52, G-37, M-28. PAFSC: 3P031 - Security Apprentice. DAS: 15 Jun 98.

b. Prior Sv: (1) AFRes 20 Aug 97 - 13 Jan 98 (4 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jan 98 for 4 yrs. Svd: 0 Yrs 8 Mo 9 Das, all AMS.

b. Grade Status: AB - 17 Aug 98 (Article 15, 17 Aug 98)  
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 17 Aug 98, Vance AFB, OK - Article 108. You did, on or about 4 Aug 98, without authority, through neglect, damage by discharging a service weapon, military property of the United States, the amount of said damage being in the sum of about \$792.88. Article 134. You did, on or about 4 Aug 98, through negligence, discharge a service weapon, a 9mm Beretta, in a guard shack on Vance Air Force Base. Reduction to AB, forfeiture of \$100.00 pay per month for 2 months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 8 SEP 98 - Making a false statement.

f. CM: None.

g. Record of SV: None.

(Discharged from Vance AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (1) Mos (3) Das  
TAMS: (0) Yrs (8) Mos (9) Das

FD 2003-00067N



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND



14 Sep 98

MEMORANDUM FOR [REDACTED]

FROM: 71 SFS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 1 Sep 98, you made a false official statement for which you received a Letter of Reprimand dated 8 Sep 98. This LOR was placed in your UIF.

b. On or about 4 Aug 98, you negligently discharged a service weapon for which you received nonjudicial punishment with a reduction to Airman Basic, forfeiture of one hundred dollars pay per month for 2 months, and 30 days extra duty. This Article 15 was placed in your UIF.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education funds may be subject to recoupment.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] 14 SEP 98 at 1030. You may consult civilian counsel at your own expense. [REDACTED]

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 0830/17 Sep 98 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

FD 2053-00067

6. You have been scheduled for a medical examination. You must report to the base hospital, physical exams, at 0730 on 17 Sep 98.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the unit orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

 USAF  
Commander, 71st Security Forces Squadron

✓ Atchs  
2 Supporting Documents