

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE AIC	AFSN/SSAN ██████████
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TYPE	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION None	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[Empty Box]	X*				
	X*				
	X*				
	X*				
	X*				

ISSUES A94.04, A94.06 A93.34 A94.12	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
HEARING DATE 03 Sep 2003	CASE NUMBER FD-2003-00072	2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
		4	BRIEF OF PERSONNEL FILE
			COUNSEL'S RELEASE TO THE BOARD
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
			TAPE RECORDING OF PERSONAL APPEARANCE

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

*Change reason and authority to Secretarial Authority. SPD:JFF

Case heard at Washington, D.C.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB), but after review of the records, the case was tendered for consideration to determine if the Board would grant the relief requested based on the record.

Advise applicant of the decision of the Board.

SIGNATURE OF RECORDER _____	SIGNATURE OF BOARD PRESIDENT _____
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INDORSEMENT		DATE: 9/8/2003
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00072

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Albany, New York, on October 25, 2003, but after review of the records, the Action Officer decided to tender the case for consideration to determine if the Board would grant the requested relief based on the record.

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

FINDINGS: Based on its own initiative, the Board grants the requested relief, based on the record.

The Board finds that neither the evidence of record or that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.

ISSUE: Applicant infers discharge was inequitable because it was too harsh. The records indicated the applicant received a Letter of Reprimand, and two Articles 15. The three incidents of misconduct all occurred within a 6-week period. These incidents involved two failures to go shortly after the terrorist attacks of September 11, 2001, and misuse of his government travel card in conjunction with a permanent change of station in October 2001. While the Board did not condone applicant's misconduct, they did believe there were extenuating circumstances that contributed to the incidents in question, and that the chain of command reacted too strongly. After a thorough and complete consideration of the information submitted by the applicant and contained in the records, the Board concluded there was sufficient mitigation to substantiate upgrade of, and change of reason and authority for the discharge. Specifically, the Board found the characterization was too harsh.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason and authority for the discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason and authority for the discharge should be changed to Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

[REDACTED]
[REDACTED]

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 25 Jan 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 5 Dec 77. Enlmt Age: 19 0/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-63, E-43, G-42, M-39. PAFSC: 2S051 - Supply Management Journeyman. DAS: 21 Aug 97.

- b. Prior Sv: (1) AFRes 10 Dec 96 - 29 Apr 97 (4 Months 20 Days) (Inactive).
(2) Enld as AB 30 Apr 97 for 4 yrs. Ext: 20 Nov 00 for 10 months. Svd: 4 Yrs 0 Mos 0 Das, all AMS. AMN - 30 OCT 97. A1C - 30 AUG 98. SRA - 30 APR 00. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

- a. Reenld as SRA 29 Apr 01 for 4 yrs. Svd: 0 Yrs 8 Mos 28 Das, all AMS.
- b. Grade Status: A1C - 7 Nov 01 (Vacation, Art 15, 3 Dec 01)
- c. Time Lost: None.
- d. Art 15's: (1) 3 Dec 01, Vacation, Andrews AFB, MD - Article 92. You, who knew of your duties within the Continental United States, on divers occasions between 5 Oct 01 and 25 Oct 01, were derelict in the performance of those duties in that you willfully used your government travel card for personal purposes, as it was your duty not to do. Reduction to A1C. (No appeal) (No mitigation)
- (2) 7 Nov 01, Andrews AFB, MD - Article 86. You, did, on or about 19 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, and 30 days correctional custody. On 7 Nov 01, commander mitigated punishment from 30 days correctional custody to 21 days extra duty. (No appeal)
- e. Additional: NONE.
- f. CM: None.
- g. Record of SV: 25 Sep 00 - 24 Sep 01 Andrews AFB 4 (Annual)

(Discharged from Andrews AFB)

h. Awards & Decs: AFLSA, AFTR, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (1) Mos (16) Das
TAMS: (4) Yrs (8) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 5 Feb 03.
(Change Discharge to Honorable)

Issue 1: Improper supervision during initial Personal (sic) Change of Station; Lack of thorough training and briefing on use of Travel card.

Issue 2: Lack of supporting supervision during conflicting times; during these times unable to make wise decisions pertaining to military career.

Issue 3: Possible conspiracy to avert full process of correction. Punishment was swift, multi-layered and harsh based on military records, and accomplishments.

Issue 4: Characterization of discharge (General-Under Honorable Conditions) prevents applicant from attaining fruitful or gainful employment.

ATCH

1. DD Form 149.
2. Congressional Inquiry.

27 Mar 03/cr.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 89TH AIRLIFT WING (AMC)

17 DEC 2001

MEMORANDUM FOR A1C [REDACTED] 89 SUPS

FROM: 89 SUPS/CC
3066 E. Perimeter Rd.
Andrews AFB, MD 20762

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized general (under honorable conditions) discharge.

2. My reasons for this action are:

a. You, did at Andrews AFB, MD, on or about 19 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 89th Supply Squadron, building 3066, Andrews AFB, MD. As a result, you received an Article 15, dated 29 Oct 01. (Atch 1)

b. You, who knew of your duties within the Continental United States, on divers occasions between 05 Oct 01 and 25 Oct 01, were derelict in the performance of those duties in that you willfully used your government travel card for personal purposes, as it was your duty not to do. As a result, you received a vacation of suspended nonjudicial punishment, dated 20 Nov 01. (Atch 2)

3. 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.

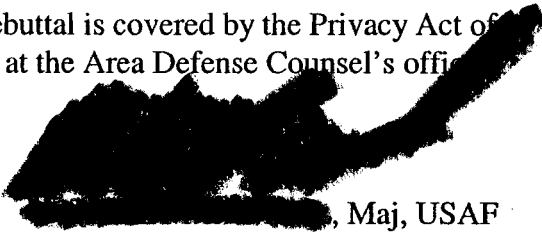
4. You have the right to military counsel. I have made an appointment for you with the Area Defense Counsel. Report to 1430 Arnold Avenue at 1000 hrs on 18 Dec 01 with Capt [REDACTED]. Instead of the appointed counsel, you may have another, if the attorney you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me no later than three duty days from today, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to 89th Medical Group, for the examination. Report to Physical Exams prior to your appointment to pick up required paper work.

8. 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 at the Area Defense Counsel's office.


Maj, USAF
Commander, 89 Supply Squadron

2 Atchs:

1. Article 15, dtd 29 Oct 01
2. Vaction of Suspended Nonjudicial Punishment, dtd 20 Nov 01