

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AMN</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
YES	NO					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
<b>[REDACTED]</b>					X
<b>[REDACTED]</b>					X
<b>[REDACTED]</b>					X
<b>[REDACTED]</b>					X
<b>[REDACTED]</b>					X

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.50</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center; padding: 2px;"><b>1</b></td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>2</b></td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>3</b></td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>4</b></td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<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
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HEARING DATE <b>15 Jul 03</b>	CASE NUMBER <b>FD2003-0081</b>																	

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

**REMARKS**  
**Case heard at Washington, D.C.**

**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.**

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>15 Jul 03</b>
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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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0081

**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 neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

**ISSUE:** Applicant believes his discharge was a result of a false accusation from another airman. He also states that he thought his discharge would automatically be upgraded after six months and believes that he should get his G.I. Bill benefits. The record indicates the applicant received two Articles 15, the first for wrongfully using his government credit card and becoming delinquent on that account. The second one for wrongfully storing ammunition in his dormitory room. He also received a Vacation action under the UCMJ for failure to go. Additionally, he received three Letters of Reprimand for being late for duty on three consecutive days, being apprehended for violation of a written order, financial irresponsibility, lying, and for making inferences of retaliatory actions against the Commander and the First Sergeant. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. The applicant also stated that he was told his discharge would automatically be upgraded in six months. The DRB noted the issue was common, the result of miscommunication. While a discharge may be upgraded after six months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal. The issue concerning the false accusation is without merit. The record indicates there was plenty of evidence that existed for the Commander to believe that the applicant's words and actions, when considered together, constituted a threat against the Commander and the First Sergeant. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Feb 99 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 9 Nov 76. Enlmt Age: 18 0/12. Disch Age: 22 3/12. Educ: HS DIPL. AFQT: N/A. A-82, E-79, G-74, M-78. PAFSC: 2W031 - Munitions Systems Apprentice. DAS: 1 Dec 97.

b. Prior Sv: (1) AFRes 7 Dec 94 - 13 Jun 95 (6 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 14 Jun 95 for 4 yrs. Svd: 3 Yrs 8 Mo 6 Das, all AMS.

b. Grade Status: AMN 19 Feb 99 (Article 15, 19 Feb 99)  
 A1C - 1 Jun 98 (Vacation of Article 15, 24 Jul 98)  
 SRA - 14 Oct 97

c. Time Lost: 12 Feb 99 thru 19 Feb 99 (7 days).

d. Art 15's: (1) 19 Feb 99, Anderson AFB, Guam - Article 92. You, having knowledge of a lawful order issued by the Commander, 36th Air Base Wing, to wit: paragraph 2.7.10.3, 36th ABWI 32-6001, dated, 31 Dec 96, an order which it was your duty to obey, did, on or about 11 Feb 99, fail to obey the same by wrongfully storing ammunition in your dormitory room. Reduction to Amn, and a reprimand. (No appeal) (No mitigation)

(2) 24 Jul 98, Vacation, Anderson AFB, Guam - Article 86. You did, on or about 17 Jul 98, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

(3) 1 Jun 98, Anderson AFB, Guam - Article 92. You did, within the Country of Germany, between on or about 7 Oct 97 and on or about 19 Oct 97, violate a lawful general regulation, to wit: AFI 65-104, dated 1 May 96, section C, paragraph 25.1, by wrongfully using your Government - - - - - Card, account number - - - - - , for personal purposes. You did, within the State of Florida, between on or about 31 Oct 97 and on or about 28 Nov 97, violate a lawful general regulation, to wit: AFI 65-104, dated 1 May 96, section C, paragraph 25.1, by wrongfully using

your Government ----- Card, account number -----, for personal purposes. You did, at or near The Territory of Guam, on or about 23 Jan 98, violate a lawful general regulation, to wit: AFI 65-104, dated 1 May 96, section C, paragraph 22, by becoming delinquent on your Government ----- Card account, account number -----, by wrongfully failing to pay in full the monthly balance due prior to the next billing cycle, the said balance being of about \$1,152.36, which became delinquent on or about 23 Jan 98 and remained delinquent until on or about 30 Mar 98. Suspended reduction to A1C, forfeiture of \$150.00 pay for two months, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 19 FEB 99 - Financial irresponsibility, lying, and making inferences of retaliatory actions against Commander and First Sergeant.  
 LOR, 05 MAY 98 - Apprehended for violation of a written order to not "reefer walk" and for illegally fishing while beach was closed.  
 LOR, 10 OCT 97 - Late for duty for three consecutive days.
- f. CM: None.
- g. Record of SV: 14 Jun 95 - 15 Jan 97 Spangdahlem AB 4 (HAF Dir)  
 16 Jan 97 - 29 Oct 97 Spangdahlem AB 3 (CRO)  
 30 Oct 97 - 29 Oct 98 Anderson AFB 2 (Annual)REF  
 (Discharged from Anderson AFB)
- h. Awards & Decs: AFAM, AFTR, AFOSSTR, AFOSLTR, NDSM, HSM.
- i. Stmt of Sv: TMS: (4) Yrs (2) Mos (6) Das  
 TAMS: (3) Yrs (8) Mos (0) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Aug 02.  
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Character References.
3. Administrative Discharge Documents.
4. DD Form 214.

3APR03/ia



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

FD 2803-00081

19 FEB 1999

MEMORANDUM FOR AMN [REDACTED]

FROM: 36 LG/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Pattern of Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, section H, paragraph 5.50. If my recommendation is approved, your service will be characterized as either Honorable, General (Under Honorable Conditions) or Under Other than Honorable Conditions (UOTHC). I am recommending your separation be characterized as a General Discharge (Under Honorable Conditions).

2. My reasons for this action are:

a. On 10, 11, and 12 September 1997, you were derelict in the performance of your duties in that you were late for duty on each of these days. For your actions, you received a Letter of Reprimand (LOR) dated 10 October 1997 (Atch 1). The LOR was placed in an Unfavorable Information File (UIF) on 14 October 1997.

b. On 2 May 1998, you were apprehended at or near Tarague Beach, Andersen Air Force Base, Guam, for violating a written order to not "reef walk" and for illegally spear fishing while this beach was closed. For your actions, you received a LOR dated 5 May 1998 (Atch 2).

c. Between on or about 7 October 1997 and on or about 19 October 1997 and between on or about 31 October 1997 and on or about 28 November 1997, you wrongfully used your Government American Express Card for personal purposes. In addition, on or about 23 January 1998, you became delinquent on your Government American Express Card in the amount of \$1,152.36, and remained delinquent until on or about 30 March 1998. For your actions, you received Article 15 nonjudicial punishment on 1 June 1998 consisting of a suspended reduction to the grade of Airman First Class, forfeiture of \$150.00 pay for two months, and 30 days extra duty (Atch 3). The article 15 punishment was placed in an UIF.

d. On or about 17 July 1998, you failed to go at the time prescribed to your appointed place of duty. For your actions, your suspended reduction to the grade of Airman First Class was vacated on 27 July 1998 (Atch 4). Your new date of rank for Airman First Class was 1 June 1998, with an effective date of 27 July 1998. The vacation action was placed in an UIF.

e. On or about 11 February 1999, you failed to obey 36 ABW Instruction 32-6001, paragraph 2.7.10.3, by wrongfully storing ammunition in your dormitory room. For your actions, you received Article 15 nonjudicial punishment on 19 February 1999 consisting of a reduction to the grade of Airman and a reprimand (Atch 5).

f. During the month of October 1998, you issued two checks drawn upon the Bank of ██████████ to the ██████████ Community Bank in the amounts of \$500.00 and \$400.00, respectively. You failed to maintain sufficient funds in your account to pay such checks. Additionally, you lied to your supervisor, TSgt ██████████, about having made payments to repay the ██████████ Bank. Furthermore, you made inferences that you would attempt to take retaliatory actions against your commander and members of his staff because you received an adverse administrative action. For your actions, you received a LOR on 19 February 1999 (Atch 6).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising Special Court-Martial (SPCM) jurisdiction or 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 counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain ██████████ the Area Defense Counsel, Bldg. 21000, 366-2281 at 1600 hours on 19 February 1999. You may consult civilian counsel at your own expense.

5. You have attended a physical exam.

6. You have the right to submit statements on your own behalf. **Any statements you want the separation authority to consider must reach me by 24 February 1999, no later than 1630 hours, unless you request and receive an extension.** I will send them to the separation authority.

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

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974 as explained in AFI 36-3208 and is available for your use in the Unit Orderly Room.

9. Execute the acknowledgment and return it to me immediately.



Colonel, USAF  
Commander, 36<sup>th</sup> Logistics Group

Attachments:

1. LOR/UIF, 10 October 1997
2. LOR, 5 May 1998
3. Article 15 punishment, 1 June 1998
4. Vacation Action, 27 July 1998
5. Article 15 punishment, 19 February 1999
6. LOR, 19 February 1999
7. UIF Summary