










AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE AMN	AFSN/SSAN 	
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO			
	X			
MEMBERS SITTING			VOTE OF THE BOARD	
			HON	GEN
			UOTHC	OTHER
			DENY	
				X
				X
				X
				X
				X
ISSUES A95.00		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD
				1
				ORDER APPOINTING THE BOARD
				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 HEARING
HEARING DATE 9 JUL 03				
CASE NUMBER FD2003-0093				
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 			SIGNATURE OF BOARD PRESIDENT 	
INDORSEMENT				DATE: 9 JUL 03
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 RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD03-0093

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 had an Article 15 for wrongfully concealing a power supply for a video game system and for wrongfully soliciting another airman to wrongfully conceal a power supply video game system. He also received three Letters of Reprimand for financial irresponsibility and two Records of Individual Counseling for failure to comply with the mobility checklist and for being late for roll call. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. 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

MISSING MEDICAL RECORDS
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 Feb 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 14 Jun 72. Enlmt Age: 19 3/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-72, E-75, G-80, M-67. PAFSC: 2A531E - Aerospace Maintenance Apprentice. DAS: 20 Sep 92.

b. Prior Sv: (1) AFRes 27 Sep 91 - 10 May 92 (7 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 May 92 for 6 yrs. Svd: 1 Yrs 9 Mo 18 Das, all AMS.

b. Grade Status: AMN - 11 Feb 94 (Article 15, 11 Feb 94)
A1C - 25 Jun 92

c. Time Lost: None.

d. Art 15's: (1) 11 Feb 94, Dyess AFB, TX - Article 134. Specification 1: You, did, at or near Abilene, Texas, on or about 19 Jan 94, wrongfully conceal a power supply for a ----- video game system, of a value of about \$20.00, the property of another person, which property you, then knew, had been stolen. Specification 2: You, did, at or near Abilene, Texas, on or about 19 Jan 94, wrongfully solicit SrA ----- to wrongfully conceal a power supply for a ----- video game system, of a value of about \$20.00, the property of another person, which property you, then knew, had been stolen. Reduction to Amn, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 14 FEB 94 - Financial irresponsibility.
LTR, 07 Dec 73 - Delinquent club account.
LOR, 01 DEC 93 - Financial irresponsibility.
RIC, 02 APR 93 - Late for Roll Call.
RIC, 19 NOV 92 - Failure to comply with mobility checklist.

f. CM: None.

g. Record of SV: 11 May 92 - 10 Jan 94 Dyess AFB 3 (Initial)

(Discharged from Dyess AFB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (2) Das
TAMS: (1) Yrs (9) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Feb 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Three Letters of Support.
2. Three Training Certificates.

7APR03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH WING (ACC)
DYESS AIR FORCE BASE, TEXAS

FD 2003-00093

15 FEB 94

MEMORANDUM FOR Amn [REDACTED]

FROM: 337 BMS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct - Minor Disciplinary Infractions. The authority for this action is AFR 39-10, Section H, paragraph 5-46. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (Under Honorable Conditions).

2. My reasons for this action are:

a. You did, on 8 Aug 93, at Abilene, Texas, issue a check to Texas T in the amount of \$37.83, and thereafter failed to maintain sufficient funds in your bank account to cover said check upon presentment for payment, as evidenced by LOR dated 14 Feb 94, Letter of Final Notice from Texas T, and State of Texas Bail Bond form dated 1 Feb 94.

b. You did, at Abilene, Texas, on 19 Jan 94, wrongfully conceal a power supply for a nintendo video game system, a value of about \$20.00, the property of another person, which property you, then knew, had been stolen, as evidenced by AF Form 3070 dated 11 Feb 94. Furthermore, you did, at Abilene, Texas, on 19 Jan 94, wrongfully solicit SrA [REDACTED] to wrongfully conceal a power supply for a nintendo video game system, of a value of about \$20.00, the property of another person, which property you, then knew, had been stolen, as evidenced by AF Form 3070 dated 11 Feb 94.

c. You were, on 7 Dec 93, 60 days delinquent on your club account, as evidenced by Delinquent Club Account letter dated 7 Dec 93.

d. You did, on 19 Nov 93, fail to pay a just debt to ACI Self Storage Corp. Furthermore, you issued two checks and failed to maintain sufficient funds in your account to pay such checks upon presentment for payment, as evidenced by LOR dated 1 Dec 93.

e. You did, on 19 Mar 93, without authority, fail to go at the time prescribed to your appointed place of duty, as evidenced by AF Form 174 dated 2 Apr 93.

Global Power for America

f. You did, on 2 Nov 92, fail to complete your mobility letter as you were suppose to do, as evidenced by AF Form 174 dated 19 Nov 92.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or high 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.

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 Capt [REDACTED] Area Defense Counsel, on 22 FEB 94 at 0830 hours. You may consult civilian counsel at your own expense.

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 22 Feb 94, 0800 hours, 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.

6. You have been scheduled for a medical examination on 16 Feb 94 at 0700 hours, at the 7th Medical Group Hospital, Physical Exams' Section.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.

8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Lt Col, USAF
Commander, 337 BMS

Attachments:

1. Supporting Documents
for Reasons for Discharge-
LOR dated 14 Feb 94; Letter from
Texas T dated 26 Aug 93; State of
Texas Bail Bond form dated 1 Feb 94;
AF Form 3070 dated 11 Feb 94;
Delinquent Club Account ltr dated
7 Dec 93; LOR dated 1 Dec 93;
AF Form 174 dated 2 Apr 93; and
AF Form 174 dated 19 Nov 92.
2. Airman's Receipt of
Letter of Notification