

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>A1C</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE <b>UOTHC</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<b>X</b>	

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

ISSUES <b>A92.21, A92.15, A94.05</b>	INDEX NUMBER <b>A72.00</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
HEARING DATE <b>10 JUN 03</b>	CASE NUMBER <b>FD2003-00110</b>	<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**

**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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<b>INDORSEMENT</b>	<b>DATE: 10 JUN 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

FD2003-00110

**GENERAL:** The applicant appeals for upgrade of discharge to general (under honorable conditions).

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

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

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

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant received an Under Other Than Honorable Conditions (UOTHC) discharge pursuant to his request to be discharged in lieu of trial by court martial for stealing merchandise from the base exchange (BX). Member also had a Letter of Reprimand for having an inappropriate relationship with a technical school trainee while he was a permanent party member assigned to the same base, a Record of Individual Counseling for financial irresponsibility, and an Article 15 for a previous incident of stealing merchandise from the BX. Additionally, two memos for record documented two instances in which member was late to work. Although this misconduct was not the reason for which he was discharged, it can be considered in determining the appropriate characterization of member's service. Additionally, according to the record, member failed to meet weight and fitness standards and was "questionable" on his dress and appearance standards. Applicant infers that he should not be penalized indefinitely as a result of his discharge status and notes potential future employment options are adversely affected by his characterization of discharge. While the Board is sympathetic to applicant's circumstances, they noted that when he voluntarily submitted his request for discharge in lieu of trial by court martial he acknowledged in doing so his characterization of service could be deemed under other than honorable conditions. In making this request, the applicant avoided the possibility of a federal conviction, and his request to be administratively discharged was granted. In accordance with discharge regulations, airmen discharged under these circumstances usually do have their service characterized as UOTHC. The Board concluded applicant's misconduct was a significant departure from conduct expected of all military members, and could find no inequity or impropriety in the course of the records review upon which to base a change in his discharge.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

**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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 16 Mar 00 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 14 Nov 78. Enlmt Age: 19 5/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-41, E-77, G-74, M-59. PAFSC: 3C031 - Communications Computer Systems Operator Helper. DAS: 6 Jan 99.

b. Prior Sv: (1) AFRes 22 Apr 98 - 12 May 98 (21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 May 98 for 4 yrs. Svd: 1 Yrs 10 Mo 4 Das, all AMS.

b. Grade Status: A1C - 13 Sep 99  
AMN - 13 Nov 98

c. Time Lost: None.

d. Art 15's: (1) 5 Aug 98, Keesler AFB, MS - Article 121. You did, on or about 25 Jul 98, steal a Nintendo Memory Card Plus, of a value of about \$24.95, the property of Army and Air Force Exchange Services. Forfeiture of \$300.00 pay (\$150.00 pay suspended), and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: MFR, 03 FEB 00 - Late for work.  
MFR, 02 FEB 00 - Late for work.  
LOR, 14 SEP 99 - Willfully pursuing an inappropriate relationship with a technical school student.  
Traffic Ticket, 10 AUG 99 - Inattentive driving.  
RIC, 14 JUN 99 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 13 May 98 - 8 Dec 99 Goodfellow AFB 2 (Cmdr Dir) REF

(Discharged from Goodfellow AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (23) Das  
TAMS: (1) Yrs (10) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Apr 03.  
(Change Discharge to General)

Issue 1: I have gotten married and am now supporting a family (i.e. wife and 3 step children). While in the service I was in debt and very irresponsible. I have really turned my life around. I am now responsible and getting myself out of debt.

Issue 2: Since being out of the service I have maintained the same position with the same company for the past 3 years.

Issue 3: I really need my discharge upgraded for a better paying job for financial support of my family.

**ATCH**

1. License and Certificate of Marriage.

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