

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBERS SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53, A94.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 22 JULY 03	CASE NUMBER FD2003-00122	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	

APPLICANT'S ISSUE AND THE BOARD'S DECISION AND 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 and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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DATE: 22 JULY 03

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00122

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change his reenlistment code.

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, change of reason and authority for the discharge, and change of reenlistment code are 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 was discharged for minor disciplinary infractions. He had a Letter of Counseling, three Letters of Reprimand, two Articles 15, vacation of suspended punishment, and an Unfavorable Information File. His misconduct included a failed room inspection, failure to obey an order to have required equipment in good order, financial irresponsibility, failure to maintain a professional appearance on duty, twice stealing currency belonging to others, writing bad checks, and being disorderly and disrespectful to a senior ranking airman. At the time of the discharge, member waived his right to consult counsel and submit statements in his own behalf. The Board noted member was the same age as other airmen who had adhered to the standards when his misconduct occurred, and he knew right from wrong. He was counseled in an effort to help him correct his deficiencies and had several opportunities to improve his behavior. He failed to respond to those rehabilitative efforts. He was responsible for his actions, and therefore held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

While the Board commends applicant on his desire to return to military service, and is sympathetic to the impact a General discharge has on his reenlistment code, this is not a matter of equity or propriety that warrants an upgrade.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 May 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 31 Aug 82. Enlmt Age: 17 5/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-50, E-44, G-41, M-32. PAFSC: 3P031 - Security Forces Apprentice. DAS: 7 Nov 00.

b. Prior Sv: (1) AFRes 25 Feb 00 - 23 May 00 (2 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 24 May 00 for 6 yrs. Svd: 1 Yrs 11 Mo 27 Das, all AMS.

b. Grade Status: AB - 5 Feb 02 (Vacation of Art 15, 22 Feb 02)
AMN - 5 Feb 02 (Art 15, 5 Feb 02)

c. Time Lost: None.

d. Art 15's: (1) 24 Apr 02, Osan AB, Korea - Article 121. You did, on or about 1 Jan 02, steal lawful currency, of a value of about \$124.71, the property of First Advantage Credit Union. Forfeiture \$552.00 pay per month for two months, 30 days restriction, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 22 Feb 02, Vacation, Osan AB, Korea - Article 134. You were, on or about 6 Feb 02, disorderly, by being disrespectful in language towards SrA [REDACTED]. Reduction to AB, and forfeiture of \$300.00 pay. (No appeal) (No mitigation)

(3) 05 Feb 02, Osan AB, Korea - Article 121. You, did, on or about 21 Aug 01 and on or about 8 Sep 01, steal lawful currency of a value of more than \$100.00, the property of A1C [REDACTED]. Article 123. You, did, on or about 25 Aug 01, with intent to defraud, utter a certain check in the following words and figures, to wit: Check #150, to Popeye's, dated 25 Aug 01, in the amount of \$25.00, a writing which would, if genuine, apparently operate to the legal harm of another, the signature to which said check was, as you then well knew, falsely made. Reduction to Airman (E-

2), a suspended reduction to AB. Forfeiture of \$300.00 pay per month for 2 months, that portion of the forfeiture in excess of \$300.00 pay suspended. Thirty days restriction, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 06 FEB 02 - Failure to maintain a professional appearance on duty.
 LOR, 01 DEC 01 - Financial irresponsibility.
 LOC, 22 NOV 01 - Failure to obey an order or regulation by not having required equipment in good order.
 LOR, 30 SEP 01 - Failed room inspection.

f. CM: None.

g. Record of SV: None.

(Discharged from Osan AB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (27) Das
 TAMS: (1) Yrs (11) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 14 Mar 03.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: My discharge has helped me to learn the value of hard work. I learned most of this from the military. If it is changed I wish to further go (sic) my learning experience & serve my country to the best of my ability. I want to reenlist in the military.

ATCH

None.

28APR03/ia



DEPARTMENT OF THE AIR FORCE
51ST Security Forces Squadron (PACAF)
UNIT 2063
APO AP 96278-2063

MAY 08 2002

MEMORANDUM FOR AB [REDACTED], 51 SFS

FROM: 51 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force based upon Minor Disciplinary Infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. If my recommendation is approved, then your service may be characterized as Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as General.

2. My reasons for this discharge action are as follows:

a. On or about 28 September 2001, at or near Osan Air Base, Republic of Korea, you failed your dormitory inspection for the third time. For this misconduct, you received a Letter of Reprimand (LOR) dated 30 September 2001. (Atch 1a)

b. On or about 22 November 2001, at or near Osan Air Base, Republic of Korea, you failed to obey an order to maintain your required equipment in good order. For this misconduct, you received a Letter of Counseling (LOC) dated 22 November 2001, which subsequently established your Unfavorable Information File (UIF). (Atch 1b)

c. On or about 22 November 2001, at or near Osan Air Base, Republic of Korea, you failed to pay your outstanding debts to the Army and Air Force Exchange Movie Video Rental. For this misconduct, you received an LOR dated 1 December 2001 and it was placed in your UIF. (Atch 1c)

d. On or about 6 February 2002, at or near Osan Air Base, Republic of Korea, you failed to maintain a professional appearance on duty by being observed eating while checking I.D. Cards at the Main Gate. For this misconduct you received an LOR dated 6 February 2002. (Atch 1d)

e. Between on or about 21 February 2001 and on or about 21 August 2001, at or near Osan Air Base, Republic of Korea, you stole about \$100.00 from Airman First Class [REDACTED] and wrote a bad check to Popeye's with the intent to defraud or deceive the establishment. For this misconduct, you received an Article 15, dated 5 February 2002, which was placed in your UIF. (Atch 1e)

f. On or about 6 February 2002, at or near Osan Air Base, Republic of Korea, you were disorderly by using disrespectful language towards SrA [REDACTED]. For this misconduct, your previously suspended punishment in your Article 15 dated 5 February 2002, was vacated on 22 February 2002. (Atch 1f)

g. On or about 1 January 2002, at or near Osan Air Base, Republic of Korea, you stole about \$124.71 from [REDACTED] Credit Union. For this misconduct you received an Article 15, dated 24 April 2002, which was placed in your UIF and is the basis for my initiating discharge. (Atch 1g)

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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel is available to assist you. You may consult the Area Defense Counsel, Capt [REDACTED] Bldg 937, at 784-6774. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements that you want the separation authority to consider must reach me by 1010 hours on 13 MAY 02 (three workdays) unless you request and receive an extension for good cause. I will forward any such statements to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf, then 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 the hospital at 1540 hours on 8 MAY 02.

8. The Privacy Act of 1974 protects any personal information that you furnish in your rebuttal. A copy of AFI 36-3208 is available for your use at the Orderly Room.

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

[REDACTED]
[REDACTED] Lt Col, USAF
Commander

- Attachments:
1. Supporting documents

- a. LOR dated 30 Sep 01, 3 pages
 - b. LOC dated 20 Nov 01, 2 pages
 - c. LOR dated 1 Dec 01 w/atch, 4 pages
 - d. LOR dated 6 Feb 02, 1 page
 - e. Article 15 dated 5 Feb 02, 4 pages
 - f. AF Form 366 dated 22 Feb 02, 2 pages
 - g. Article 15, dated 24 Apr 02, 3 pages
- 2- Airman's Receipt of Notification Memorandum