

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]	
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW		
COUNSEL		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 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	
		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 8 AUG 03	CASE NUMBER FD2003-0176			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT			DATE: 8 AUG 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

CASE NUMBER

FD03-0176

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.

ISSUES: Applicant contends his discharge was inequitable because it was based on one isolated incident in 50 months of service with no other adverse actions. This issue is without merit. The applicant received an Article 15 for failure to go on two separate occasions and for making a false official statement. He then had a Vacation action under the UCMJ for failure to go. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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 this 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

MISSING DOCUMENTS

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 5 Jun 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 6 Oct 71. Enlmt Age: 21 1/12. Disch Age: 25 7/12. Educ: HS DIPL. AFQT: N/A. A-61, E-75, G-80, M-82. PAFSC: 3C051 - Comm-Computers Systems Operator Journeyman. DAS: Jul 95.

b. Prior Sv: (1) AFRes 17 Nov 92 - 8 Mar 93 (3 Months 20 Days) (Inactive).

(2) Enld as AB 9 Mar 93 for 4 yrs. Svd: 3 Yrs 3 Mos 22 Das, all AMS. AMN - Unknown. A1C - (EPR indicates): 9 Mar 93 - 8 Nov 94. SRA - 9 Mar 96. EPRs: 5,4,3.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 1 Jul 96 for 4 yrs. Svd: 0 Yrs 11 Mo 5 Das, all AMS.

b. Grade Status: A1C - 21 Apr 97 (Vacation of Article 15, 7 May 97)

c. Time Lost: None.

d. Art 15's: (1) 7 May 97, Vacation, Falcon AFB, CO - Article 86. You, did, between on or about 2 May 97 and on or about 4 May 97, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

(2) 21 Apr 97, Falcon AFB, CO - Article 86. You, did, on or about 25 Mar 97, without authority, fail to go at the time prescribed to your appointed place of duty. You, did, on or about 27 Mar 97, without authority, fail to go at the time prescribed to your appointed place of duty. Article 107. You, did, on or about 27 Mar 97, with intent to deceive, make to Captain [REDACTED] an official statement, to wit: You were late to class because you had car trouble, and weren't able to get out of class until after noon and you arrived at class around 1300, and class was breaking up, or words to that effect, which was totally false and was then known by you to be so false. Suspended reduction to A1C, and 14 days extra duty. (No appeal) (No mitigation)

- e. Additional: Unknown.
- f. CM: None.
- g. Record of SV: None.

(Discharged from Falcon AFB)

- h. Awards & Decs: AFAM, AFLSA, AFTR, NDSM, AFOUA, AFGCM.
- i. Stmt of Sv: TMS: (4) Yrs (6) Mos (20) Das
TAMS: (4) Yrs (2) Mos (28) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 2 Apr 03.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 50 months of service with no other adverse actions.

Issue 2: Also the discharge was my choice to proceed. I had the opportunity to fulfill my full term of service. My discharge was not a financial hardship, however, I had a job secured in the private sector and chose to separate.

ATCH

- 1. Applicant's Letter.

16Jun03/cr