

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 1.2em; width: 100%;"></div>		GRADE  SRA	AFSN/SSAN <div style="background-color: black; height: 1.2em; width: 100%;"></div>																																			
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW																																			
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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.																																						
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INDORSEMENT		DATE: 7 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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002																																				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0186

**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 inequitable because he was acquitted on charges during a Court Martial. This issue is without merit. The applicant was not discharged due to the Court Martial; he was discharged due to the conviction in civil court for attempted assault and battery. The record indicates the applicant received two Article 15s, one for failure to obey a lawful order to pull over for a random entry point inspection and the other one for being derelict in the performance of his duties and, with intent to deceive, sign an official statement that was false. Additionally, he received two Letters of Reprimand for failure to go; three Letters of Counseling for financial irresponsibility and for failing to properly register his vehicle; and a judgment of sentence for the conviction in civil court for the attempted assault and battery. 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

[REDACTED]  
[REDACTED]  
(Former SGT) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 3 Dec 91 UP AFR 39-10, para 5-47a (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Feb 67. Enlmt Age: 19 1/12. Disch Age: 24 9/12. Educ: HS DIPL. AFQT: N/A. A-74, E-49, G-46, M-25. PAFSC: 81150 - Security Police Specialist. DAS: 7 Nov 89.

b. Prior Sv: (1) AFRes 4 Apr 86 - 14 Oct 86 (6 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Oct 86 for 6 yrs. Svd: 5 Yrs 1 Mo 19 Das, all AMS.

b. Grade Status: SGT - 28 Mar 91 (Reappointment)  
SRA - 20 Jul 90 (Vacation of NCO Status)  
SGT - 29 Mar 89  
SRA - 29 Mar 89  
A1C - (EPR Indicates): 15 Oct 86 - 14 Oct 87

c. Time Lost: None.

d. Art 15's: (1) 19 Jul 90, Wurtsmith AFB, MI - Article 92. You, who knew of your duties at Sikeston, Missouri, on or about 4 Jun 90, were derelict in the performance of those duties in that you willfully failed, after your car broke down, to take the next available flight to San Antonio, Texas, as it was your duty to do. Article 107. You did, on or about 20 Jun 90, with intent to deceive, sign an official statement, to wit: DD Form 1351-2, Travel Voucher, which statement, was false in that you stated on the form that you had departed Wurtsmith AFB, MI on 1 Jun 90, and was then known by you to be so false. Suspended reduction to A1C, forfeiture of \$200.00 pay per month for 2 months, and 30 days extra duty. (No appeal) (No mitigation)

(2) 15 Sep 87, Ellsworth AFB, SD - Article 92. Preliminary investigation has disclosed that you, having knowledge of a lawful order issued by A [REDACTED], Main Gate Guard, to pull over for a random entry point inspection, an order which it was your duty to obey, did, on or about 3 Sep 87, fail to obey the same. Suspended

reduction to A1C, and 45 days extra duty. (No appeal)  
(No mitigation)

- e. Additional: Judgment of Sentence, 24 Sep 91 - Conviction in civil court  
for attempted assault and battery.  
Delinquent Account Letter, 5 Jun 91 - Financial  
Irresponsibility.  
LOC, 30 Apr 91 - Failing to properly register privately  
owned vehicle.  
LOC, 16 Feb 91 - Financial Irresponsibility.  
LOC, 26 Dec 90 - Financial Irresponsibility.  
Dishonored Check Notification, 26 Sep 90 - Financial  
Irresponsibility.  
LOR, 01 Aug 90 - Failure to go.  
LOR, 15 Jul 90 - Failure to go.

f. CM: None.

- g. Record of SV: 15 Oct 86 - 14 Oct 87 Ellsworth AFB 9 (Annual)  
15 Oct 87 - 20 Jul 88 Ellsworth AFB 9 (CRO)  
21 Jul 88 - 20 Jul 89 Kunsan AB 9 (Annual)  
21 Jul 89 - 31 Mar 90 Wurtsmith AFB 5 (HAF Dir)  
01 Apr 90 - 31 Mar 91 Wurtsmith AFB 3 (Annual)

(Discharged from Wurtsmith AFB)

h. Awards & Decs: AFTR, AFLSAR, AFGCM, NCOPMER, NDSM, AFOSSTR.

- i. Stmt of Sv: TMS: (5) Yrs (8) Mos (0) Das  
TAMS: (5) Yrs (1) Mos (19) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Mar 03.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

None.

27MAY03/ia

## 7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

☐ WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

☒ ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

## 8. ISSUES

\*The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

TO THE BOARD, whom which this concerns,  
 I ~~believe~~ believe that my discharge was inequitable because I WAS ACQUITTED ON CHARGES DURING A COURT MARTIAL. MY FIRST SERGEANT thought it was to the best interest of the AIR FORCE that I be separated.  
 I DO HAVE TO ADMIT THAT MY FIRST SERGEANT AND I HAD A CONFLICT IN INTEREST. AS A MATTER OF FACT DURING MY TRIAL MY FIRST SERGEANT HAD WITNESSES THAT DID NOT KNOW ME TESTIFY FALSLY TO NO AVAIL. NOW IF YOU READ THE TRANSCRIPTS I THINK YOU WOULD AGREE THAT THERE WAS SOME CONFLICT OF INTEREST THERE BUT I SUFFERED THE MOST. I HAD NO CHANCE TO PROVE MY CHARACTER IN REGARDS TO BEING AN OUTSTANDING PERFORMER IN EVAL, OPERATION READINESS INSPECTIONS and Defense Nuclear Agency INSPECTIONS. AT EVERY BASE I WAS STATIONED AND A TRAINER. IF YOU CHECK MY RECORDS YOU WILL SEE EXAMPLES and certificates to validate my claim. I served over 5 years in the AIR FORCE AND IN THE 5 YEARS MY SOLE RESPONSIBILITIES WERE INVOLVING NUCLEAR, CHEMICAL AND BIOLOGICAL WEAPONS OF MASS DESTRUCTION. Now over 10 years later I am applying for my Veteran Benefits and to understand that this is part of the process. I close I want to say that I have 3 juvenile children and I believe the benefits I receive will be used to their utmost to help provide for my children. THANK YOU FOR YOUR TIME

☐ I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

☐ I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)  
 AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

☐ THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

## 9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

b. SIGNATURE

03/03/29

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a> )	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 379TH WING (SAC)  
WURTSMITH AIR FORCE BASE, MICHIGAN 48753-5000

REPLY TO  
ATTN OF: 379 SPS/CC

21 OCT 1991

SUBJECT: Notification Letter

TO: Sgt [REDACTED], 379 SPS

1. I am recommending your discharge from the United States Air Force for misconduct - discreditable involvement with military or civil authorities. The authority for this action is AFR 39-10, paragraph 5-47a. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. On or about 3 Sep 87, you were issued a lawful order to pull your Privately Owned Vehicle (POV) over for a random vehicle inspection at the main gate of Ellsworth AFB, SD. You failed to obey the order. As a result of your actions, on 18 Sep 87, you received Article 15 nonjudicial punishment consisting of a suspended reduction to the grade of Airman Basic.

b. On or about 4 Jun 90, you were derelict in the performance of your duties in that you failed to report promptly to your Temporary Duty Assignment, (TDY), in San Antonio, TX, which you knew it was your duty to do. On or about 20 Jun 90, you submitted a false Travel Voucher, DD-Fm 1351-2, with knowledge that it was false, with the intent to deceive the United States Air Force. As a result of these actions you received Article 15 nonjudicial punishment consisting of forfeiture of \$200.00 pay, and suspended reduction to the grade of Airman First Class. In addition to the nonjudicial punishment, your Noncommissioned Officer, (NCO), status was vacated on 20 Jul 90, as evidenced by AF-Fm 418, dated 20 Jul 90.

c. On or about 13 Jul 90, you failed to attend Commander's Call. As a result of your actions, you received a Letter of Reprimand, (LOR), dated 15 Jul 90.

d. On 26 Jul 90, you failed to attend a scheduled appointment. As a result of your actions you received a Letter of Reprimand, (LOR), dated 1 Aug 90, which was entered into your existing Unfavorable Information File (UIF).

e. On or about 12 Sep 90, you wrote a check to the Wurtsmith Base Exchange in the amount of \$50.00 that was returned for insufficient funds, which is evidenced by a Dishonored Check Notification dated 26 Sep 90.

f. On or about 20 Nov 90, you wrote a check in the amount of \$125.00 to the Wurtsmith Base Exchange that was returned for insufficient funds, which is evidenced by a Dishonored Check Notification dated 3 Dec 90. As a result of your actions, you received a Letter of Counseling, (LOC), dated 26 Dec 90.

g. On or about 7 Feb 91, you were notified that your Noncommissioned Officer's club account was 60 days overdue, which is evidenced by a Delinquent Accounts Letter your First Sergeant received dated 7 Feb 91. As a result of your actions, you received a Letter of Counseling, (LOC), dated 16 Feb 91.

h. On or about 2 Mar 91, and 18 Apr 91, you were cited for failing to properly register your Privately Owned Vehicle (POV). As a result of your actions, you received a Letter of Counseling, (LOC), dated 30 Apr 91.

i. On or about 5 Jun 91, you were notified that your Noncommissioned Officer's club account was 60 days overdue, which is evidenced by a Delinquent Accounts Letter your First Sergeant received dated 5 Jun 91.

j. On or about 24 Sep 91, in the 81st District Court of Michigan, you were found guilty of attempted assault and battery. Your sentence consisted of 1 day in confinement, \$75.00 in fines and \$120.00 costs, and 183 days of probation. The actions of the civilian authorities are evidenced by a Judgement of Sentence dated 24 Sep 91.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an under other than honorable conditions discharge. The commander exercising Special Court-Martial Convening Authority will make the final decision in this matter. If you are discharged you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive above rights. You must consult legal counsel before making a decision to waive any of your rights.


5. You have been scheduled for a medical examination. You must report to 379th Strategic Hospital, Bldg 1842, Physical Examination Section, on 18 Oct 91 at 0730 hours, /Part II of your Physical Examination is at 1300 hours on 18 Oct 91.

6. Military legal counsel, [REDACTED], Bldg 1810, Room 111, Duty Phone 6441, has been obtained to assist you. An appointment has been scheduled for you to consult him on 21 Oct 91 at 0900 hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply in writing within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who will also sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. 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 your Unit Orderly Room.

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

  
Lt Col, USAF  
Commander, 379 SPS

14 Atch

1. AF-Fm 3070, 18 Sep 87
2. LOR, 15 Jul 90
3. AF-Fm 3070, 19 Jul 90
4. AF-Fm 418, 20 Jul 90
5. AF-Fm 1058, 1 Aug 90
6. LOR, 1 Aug 90
7. AAFES FM 7200-75, 26 Sep 90
8. AAFES FM 7200-75, 3 Dec 90  
LOC, 26 Dec 90
9. Delinquent Account Ltr, 7 Feb 91
10. LOC, 16 Feb 91
11. LOC, 30 Apr 91
12. Delinquent Account Ltr, 5 Jun 91
13. Judgment of Sentence, 24 Sep 91
14. Amn's Acknowledgment.