

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>		GRADE <b>Amn</b>	AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>																
TYPE	PERSONAL APPEARANCE	<b>X</b> RECORD REVIEW																	
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">COUNSEL</td> <td style="width: 50%;"></td> </tr> <tr> <td>YES</td> <td>No</td> </tr> <tr> <td></td> <td style="text-align: center;"><b>X</b></td> </tr> </table>		COUNSEL		YES	No		<b>X</b>												
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ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.50</b>																	
HEARING DATE <b>12 Aug 2003</b>		CASE NUMBER <b>FD-2003-00221</b>																	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																			
<p>Case heard at Washington, D.C.</p> <p>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</p>																			
SIGNATURE OF BOARD MEMBER <div style="background-color: black; width: 250px; height: 30px;"></div>		SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 250px; height: 30px;"></div>																	
INDORSEMENT		DATE: 08/13/2003																	
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002																	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL  
RATIONALE**

CASE NUMBER

**FD-2003-00221**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

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.

**ISSUE:** Applicant does not contest his discharge; he merely states that he made one mistake by getting a less than Honorable discharge from the Air Force. He also states that he wished that he had a say so in court for the allegations that were brought against him. The record indicates the applicant received two Article 15s for stealing three music compact discs, wrongfully possessing a military identification card, failure to go and for damaging a wall. He also received a Vacation action under the UCMJ for failure to go. The member had the opportunity to present his case before a court, however, he accepted the Article 15s in lieu of a court. The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge. 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.

**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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 Oct 95 UP AFI 36-3208, para 5.50.1 (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 4 Feb 73. Enlmt Age: 18 6/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-79, E-44, G-52, M-51. PAFSC: 3P031 - Security Apprentice. DAS: 2 Nov 93.

b. Prior Sv: (1) AFRes 14 Aug 91 - 20 Feb 92 (6 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Feb 92 for 4 yrs. EXT: 5 Oct 93 for 21 months. Svd: 3 Yrs 7 Mo 14 Das, all AMS.

b. Grade Status: AMN - 17 Aug 95 (Vacation of Article 15, 13 Sep 95)  
A1C - 17 Aug 95 (Article 15, 17 Aug 95)  
SRA - 21 Feb 95  
A1C - 21 Jun 93  
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 13 Sep 95, Vacation, Hickam AFB, HI - Article 86. You did, on or about 5 Sep 95, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman, and forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 17 Aug 95, Hickam AFB, HI - Article 121. You did, on or about 21 Jul 95, steal three music compact discs, to wit: E-40 in a Major Way; Lords of the Underground Keepers of the Funk; and the Dangerous Minds soundtrack, of a total value of about \$34.47, the property of the Army Air Force Exchange Service. Article 134. Further investigation has disclosed that you did, on or about 23 Jul 95, wrongfully possess a military identification card, DD Form 2AF, with an incorrect birthdate, then well knowing the same to be unauthorized. Reduction to Airman (that which exceeds reduction to A1C suspended). Suspended forfeiture of \$200.00 pay per month for 2 months, and 20 days extra duty. (Appeal/Withdrawn) (No mitigation)

- (3) 22 Jun 92, Lackland AFB, TX - Article 86. You, did, on or about 7 Jun 92, without authority, fail to go at the time prescribed to your appointed place of duty. Article 108. You, did, on or about 6 Jun 92, without proper authority through neglect, damage by denting a wall, military property of the United States, the amount of said damage being more than \$100.00. Forfeiture of \$50.00 pay, 7 days extra duty, and 7 days restriction. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 21 Feb 92 - 04 Jan 94 Hickam AFB 5 (Initial)  
05 Jan 94 - 27 Feb 95 Hickam AFB 3 (Annual)

(Discharged from Hickam AFB)

h. Awards & Decs: AFGCM, NDSM, AFOSLTR, AFTR.

i. Stmt of Sv: TMS: (4) Yrs (1) Mos (21) Das  
TAMS: (3) Yrs (7) Mos (14) Das

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

Issue 1: I made a lot of mistakes in my life. The one mistake that has stayed with me my whole life was my less than Honorable discharge from the US Air Force.

Issue 2: I am now 30 yrs old & a U.S. Air Force Disabled Vet employed with the United States Postal Service. I have been employed for 7 yrs now. I have always wished that I had a say so in court for the allegations that were brought against me in 95. I have been out of the Military now for eight years. I think it is time now to upgrade my discharge to Honorable.

I thank you in advance for this consideration.

**ATCH**

None.

12JAN03/ia



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES



30 AUG 1995

MEMORANDUM FOR A1C [REDACTED]  
15 SPS/CCFD

FROM: 15 SPS/CC  
505 Hangar Ave  
Hickam AFB HI 96853-5239

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Discreditable Involvement with Military or Civil Authorities. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.


2. My reason for this action is: On 21 Jul 95, you stole three compact discs from the Army Air Force Exchange Service. Further investigation disclosed that you did, on or about 23 Jul 95, wrongfully possess a military identification card, DD Form 2AF, with an incorrect birthdate, then well knowing the same to be unauthorized. For these incidents, you received an Article 15, dated 17 Aug 95. Punishment included reduction to the grade of Airman First Class; 20 days extra duty; a suspended forfeiture of pay; and a suspended reduction to the grade of airman until 13 Feb 96.

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.

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 30 Aug 95 at 1330 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 6 Sep 95 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. You must report to 15th Medical Group at Physical Exam on 5 Sep 95 at 0845 hours for the examination.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

  
Lt Col, USAF  
Commander, 15th Security Police Squadron

Attachment:  
Article 15 dated 11 Aug 95