

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	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%;">YES</td> <td style="width:50%;">NO</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	NO		X		
YES	NO					
	X					

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

ISSUES A95.00	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 26 AUG 03	CASE NUMBER FD2003-0259	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 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.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 26 AUG 03
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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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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 available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of Discharge is granted.

ISSUE: The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, however, after a thorough review of the record, the Board finds that the applicant's character of discharge and reason for discharge are inequitable. The record indicates the applicant received an Article 15 for willfully failing to maintain his dormitory room. He also received a Vacation action under the UCMJ for failure to go. Additionally, he received two Letters of Reprimand for writing rude remarks and drawing certain parts of the anatomy and for failure to maintain his dormitory room in inspection order. The Board did not condone the misconduct and thought the good the member accomplished while in the service outweighed the bad.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of the applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED]
(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 Oct 92 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Jul 66. Enlmt Age: 20 9/12. Disch Age: 26 2/12. Educ: HS DIPL. AFQT: N/A. A-51, E-14, G-95, M-35. PAFSC: 81150 - Security Specialist. DAS: 29 Nov 90.

b. Prior Sv: (1) AFRes 25 Apr 87 - 12 Oct 87 (5 months 18 days) (Inactive).

(2) Enlisted as AB 13 Oct 87 for 4 yrs. Svd: 3 yrs 7 months, 10 days, all AMS. AMN-(APR Indicates): 13 Oct 87-16 Nov 88. A1C-(EPR Indicates): 17 Nov 88-28 Aug 89. SrA - 13 Oct 90. APRs: 9. EPRs: 3,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 24 May 91 for 6 yrs. Svd: 1 Yrs 4 Mo 20 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 23 Sep 92, Kirtland AFB, NM - Article 134. You did, from on or about 25 Jul 92 to on or about 9 Jul 92, make and utter to the Kirtland NCO Open Mess, six checks in the total amount of \$300.00, for the purpose of obtaining cash, and did thereafter dishonorably fail to maintain sufficient funds in the [REDACTED] Area Federal Credit Union, for payment of such checks in full upon presentment for payment. Further, you did, on or about 4 Jul 92, make and utter to the Kirtland Bowling Center, a certain check in the amount of \$25.00, for the purpose of obtaining cash, and did thereafter dishonorably fail to maintain sufficient funds in the [REDACTED] Area Federal Credit Union, for payment of such check in full upon presentment for payment. Fifteen days extra duty and a reprimand. (No appeal) (No mitigation)

(2) 03 Sep 92, Kirtland AFB, NM - Article 92. You, having knowledge of a lawful order issued by Captain [REDACTED] [REDACTED] to have your dorm room in inspection order by 10 Aug 92, an order which it was your duty to obey, did, on or about 10 Aug 92, fail to obey the same. Suspended

reduction to A1C, and 15 days extra duty. (No appeal)
(No mitigation)

- e. Additional: LOR, 06 AUG 92 - Financial irresponsibility.
LOR, 28 JUL 92 - Failure to obey an order and dereliction
of duty.
LOR, 17 MAR 92 - Missed two dental appointments.
LOR, 26 FEB 92 - Failure to obey several lawful orders.

f. CM: None.

- g. Record of SV: 29 Aug 90 - 28 Aug 91 Kirtland AFB 4 (Annual)
29 Aug 91 - 28 Aug 92 Kirtland AFB 1 (Annual) **REF**

(Discharged from Kirtland AFB)

h. Awards & Decs: AFAM, AFOUA, AFGCM, NDSM, AFOSLTR, AFLSAR, AFTR.

- i. Stmt of Sv: TMS: (5) Yrs (5) Mos (20) Das
TAMS: (5) Yrs (0) Mos (2) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Jun 03.
(Change Discharge to Honorable)

Issue 1: This discharge was for minor infractions.

Issue 2: I believe that if I had been allowed to remain on active duty, I would have changed by (sic) behavior and possibly made a career of the Air Force. If I was given the opportunity, I would re-enlist right now.

ATCH

1. Applicant's Letter to the Air Force Discharge Review Board, 26 Jun 03.
2. Character Reference.

31JUL03/ia

PS 200-000

DEPARTMENT OF THE AIR FORCE
542d Security Police Squadron (AMC)

FROM: 542 SPS/CCQ

30 SEP 1992

SUBJECT: Notification Letter

TO: SrA [REDACTED] 542d Security Police Squadron

1. I am recommending your discharge from the United States Air Force for minor disciplinary actions according to AFR 39-10, under the provisions of paragraph 5-46. If my recommendation is approved, your service will be characterized as General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 23 Sep 92, you received an Article 15 for making, drawing, or uttering checks without sufficient funds on 25 Jun 92, 27 Jun 92, 30 Jun 92, 3 Jul 92, 5 Jul 92, 7 Jul 92, and 9 Jul 92. As a result, you were reprimanded and received 15 days extra duty.

b. On 10 Aug 92, you failed to obey a lawful order to have your dormitory room in inspection order. As a result, you received an Article 15, dated 3 Sep 92, with a reduction to E-3 which was suspended until 2 Mar 93 and 15 days extra duty.

c. During the period of May, June, and July 1992, you failed to pay your Enlisted Open Mess Account. As a result, you received a Letter of Reprimand, dated 6 Aug 92, for financial irresponsibility and a Unfavorable Information File (UIF) was established.

d. On 24 Jul 92, you refused to comply with an order to lock and recheck the rear door of a peacekeeper vehicle which resulted in the extremely unsafe opening of the vehicle's door while in motion during adverse weather conditions. As a result, you received a Letter of Reprimand, dated 28 Jul 92, for failure to obey an order and dereliction in the performance of your duties.

e. On 17 Mar 92, you received a Letter of Reprimand for failing to report to two dental appointments (27 Jan 92 and 3 Feb 92).

f. On 25 Feb 92, you failed to obey several lawful orders, in that you allowed smoking in a government vehicle, you had unauthorized reading material on post, and your vehicle was dirty inside and out. As a result, you received a Letter of Reprimand, dated 26 Feb 92, for failing to obey a lawful order.

FV 400-0000

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 your service will be characterized as General and 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] at Area Defense Counsel on 1 OCT 92 / (time) 1100. 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 5 OCT 1992 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 Flight Medicine (2nd floor) at Kirtland AFB Hospital at 6 Oct 92 / (time) 0715.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the Unit Personnel Office.

[REDACTED]

Squadron Section [REDACTED]

8 Atch

1. Article 15, dtd 23 Sep 92, w/atc
2. Article 15, dtd 3 Sep 92
3. AF Form 1058, UIF Action, dtd 7 Aug 92
4. Letter of Reprimand, dtd 6 Aug 92
5. Ltr of Reprimand, dtd 28 Jul 92, w/atc
6. Ltr of Reprimand, dtd 17 Mar 92, w/atc
7. Ltr of Reprimand, dtd 26 Feb 92
8. Airman's acknowledgment