

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A95.00	A67.90	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			
HEARING DATE	CASE NUMBER		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
19 Aug 2003	FD-2003-00280		TAPE RECORDING OF PERSONAL APPEARANCE			
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 RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]			
INDORSEMENT				DATE: 08/19/2003		
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-2003-00280

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.

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 that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity on which to base an upgrade of discharge. The records indicated the applicant received an Article 15 for leaving his place of duty without authority and wrongfully appropriate a government military vehicle. Additionally, he received four Letters of Reprimand and a Record of Individual Counseling for failure to go, lying, dereliction of duty, making unauthorized telephone calls, abusing the autovon system, bad driving habits and failure to obey local and state traffic laws. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Nov 95 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 31 Jan 72. Enlmt Age: 21 4/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-61, E-62, G-34, M-25. PAFSC: 2S051 - Inventory Management Journeyman. DAS: 10 Feb 94.

b. Prior Sv: (1) AFRes 22 Jun 93 - 18 Oct 93 (3 months 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Oct 93 for 4 yrs. Svd: 2 Yrs 0 Mo 16 Das, all AMS.

b. Grade Status: A1C - 19 Feb 95
AMN - 19 Apr 94

c. Time Lost: None.

d. Art 15's: (1) 23 Oct 95, Little Rock AFB, AR - Article 86. You did, on or about 28 Sep 95, without authority, go from your appointed place of duty. Article 121. You did, on divers occasions between on or about 24 Sep 95 and on or about 28 Sep 95, wrongfully appropriate a government military vehicle, the property of the U.S. Air Force. Forfeiture of \$100.00 pay per month for 2 months, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 02 MAY 95 - Failure to go and lying.
RIC, 13 APR 95 - Dereliction of duty.
LOR, 30 JAN 95 - Making unauthorized telephone calls and lying.
LOR, 17 JAN 95 - Abusing the autovon telephone system.
LOR, 24 OCT 94 - Bad driving habits and failure to obey local and state traffic laws.

f. CM: None.

g. Record of SV: 19 Oct 93 - 18 Jun 95 Little Rock AFB 3 (Initial)

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (13) Das
TAMS: (2) Yrs (0) Mos (16) Das

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

NO ISSUES SUBMITTED.

ATCH

1. DD Form 214.

9JUL03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 314TH AIRLIFT WING (ACC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS

27 OCT 1995

MEMORANDUM FOR [REDACTED] AIC, [REDACTED]

FROM: 314 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general under honorable conditions. I am recommending that your service be characterized as general under honorable conditions.

2. My reasons for this action are:

a. On or about 28 September 1995, without authority, you left your appointed place of duty. Also, between on or about 24 September 1995 and on or about 28 September 1995, you wrongfully appropriated a government military vehicle, the property of the United States Air Force. You received an Article 15 for your actions. (Atch 1-1)

b. On or about 16 April 1995, you failed to report to your assigned duty station. Also, on or about 24 April 1995, after being read your rights under Article 31, UCMJ, you made a false official statement. You received a Letter of Reprimand for your actions and an Unfavorable Information File (UIF) was created. (Atch 1-2)

c. On or about 11 April 1995, you failed to secure government property by leaving a key in a government vehicle. You received a Letter of Counseling for your actions. (Atch 1-3)

d. On or about 17 January 1995, you abused the Autovon system making personal phone calls to your friends who live near other military installations. You received a Letter of Reprimand for your actions. (Atch 1-4)

e. On or about 10 January 1995, without proper authority, you entered the dormitory room of AIC [REDACTED] and made unauthorized telephone calls using her private telephone. On or about 11 January 1995, when questioned by TSgt [REDACTED] you stated that you were not in AIC [REDACTED] room and that you did not make the alleged telephone calls. You later recanted this statement and admitted to entering her room and making the unauthorized telephone calls. You received a Letter of Reprimand for your actions. (Atch 1-5)

f. On or about 7 October 1994, you were issued a citation for parking your privately owned vehicle in front of a fire hydrant at Bldg 864 and not possessing your driver's license. You also failed to provide a copy of the citation to your First Sergeant within 24 hours. Previous to this incident, you have been issued two citations for speeding. You received a Letter of Reprimand for your actions. (Atch 1-6)

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 higher authority will decide whether you will be discharged or retained in the Air Force and if discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. 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 Captain [REDACTED], Area Defense Counsel, Bldg 1255, Rm 201, Telephone 3260 on 30 Oct 95 at 1500 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 3 workdays unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to Little Rock AFB Hospital at 0730 hours on 30 Oct 95 for the examination.

8. 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 Orderly Room.

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

[REDACTED], Maj, USAF
Commander

Attachments:

- 1-1 Article 15, 24 Oct 95
- 1-2 LOR, 2 May 95
- 1-3 LOR, 14 Apr 95
- 1-4 LOR, 30 Jan 95
- 1-5 LOR, 17 Jan 95
- 1-6 LOR, 24 Oct 94