

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> [REDACTED]	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<b>X</b>		

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A93.01 A94.05	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

<b>HEARING DATE</b> 24 Nov 2003	<b>CASE NUMBER</b> FD-2003-00377	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE</b> [REDACTED]
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<b>INDORSEMENT</b>		<b>DATE: 11/25/2003</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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**

**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 denied.

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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for being AWOL, failure to go, and for wrongfully changing his airplane ticket. Additionally, he received two Letters of Reprimand, one Record of Individual Counseling, and four Memorandums for Record for unauthorized use of a government telephone, excessive amount of personal phone calls at his duty station and for financial irresponsibility. 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. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Sep 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Jun 72. Enlmt Age: 19 4/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-93, E-44, G-70, M-32. PAFSC: 73230 - Personnel Specialist. DAS: 4 Jun 92.

b. Prior Sv: (1) AFRes 28 Oct 91 - 20 Feb 92 (3 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Feb 92 for 6 yrs. Svd: 1 Yrs 7 Mo 4 Das, of which AMS is 1 yr 6 months 28 days (excludes 6 days lost time).

b. Grade Status: AMN - 11 Sep 92 (Article 15, 11 Sep 92)  
A1C - 16 Apr 92

c. Time Lost: 19 Aug 92 thru 24 Aug 92 (6 days).

d. Art 15's: (1) 11 Sep 92, Pentagon, Wash DC - Article 86. You did, on or about 20 Aug 92, absent yourself from your unit, and did remain absent until you were apprehended on or about 21 Aug 92. You did, on or about 24 Aug 92, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, at Wright-Patterson AFB, Ohio, having knowledge of a lawful special order issued by HQ 2750<sup>th</sup> ABW to proceed to 1100 National Capitol Region, Washington, DC reporting not later than 21 Aug 92, an order which it was your duty to obey, did, on or about 21 Aug 92, fail to obey the same by wrongfully changing your airplane ticket to 23 Aug 92. Reduction to Airman, and forfeiture of \$100.00 pay per month for 2 months. (Appeal/Denied) (No mitigation)

e. Additional: RIC, 29 JUL 93 - Unauthorized use of government telephone.  
MFR, 13 JUL 93 - Financial irresponsibility.  
MFR, 07 MAY 93 - Financial irresponsibility.  
LOR, 06 MAY 93 - Financial irresponsibility.  
LOR, 05 MAY 93 - Financial irresponsibility.  
MFR, 29 APR 93 - Financial irresponsibility.  
MFR, 29 APR 93 - Excessive amount of personal phone calls at duty station.

LOR, 10 AUG 92 - Dereliction of duty, late for work and  
lying.  
LOC, 21 JUL 92 - Failure to go.

f. CM: None.

g. Record of SV: None.

(Discharged from Pentagon)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (22) Das  
TAMS: (1) Yrs (6) Mos (28) Das

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

Issue 1: I'm applying for this upgrade because of my love for the military. I feel I was wrongly discharged because I was found wrong for cashing my roomates (sic) check (which I believed to be good) for his portion of the rent. I'm older now and would call a bank to check for funds now, but at 19 I was still new to checks and bank accounts. I have paid the complete amount back to the USAF, but due to my discharge some employers look down on me. I can't complete school to no (sic) being eligible for my GI Bill which I paid into, I can't us (sic) my VA loan, and I have a wife and six children. I am also unable to join the National Guard or anything when I would love to be still serving my country. Please review my file, and see what I state is true, and allow me to be upgraded to Honorable. May God bless you all. Thanks in advance.

**ATCH**  
None.

5SEP03/ia

DEPARTMENT OF THE AIR FORCE  
1100TH NATIONAL CAPITAL REGION SUPPORT GROUP (AFDW)  
WASHINGTON, D.C. 20330-1300

REPLY TO  
ATTN TO: CCQ

11 Aug 93

SUBJECT: Notification Letter

TO: [REDACTED]  
1100 NCR/DPMP

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, 5-46. If my recommendation is approved, your service will be characterized as general.

2. My reasons for this action are: The unofficial use of government telephones; failure to make the monthly payments to AAFES for checks returned for non-sufficient funds according to the terms that you agreed upon in a 4 May 93 payment agreement; on or about 3 May 93 your supervisor informed you to take copies of your existing bills and any other financial documentation to a scheduled appointment with Family Support personnel to assist in establishing a budget and you failed to obey; on or about 13 Apr 93 you cashed four two party checks at AAFES in the amount of \$480.00 which were returned for insufficient funds; you were AWOL from 19 - 24 Aug 92; and on 31 Jul 92 you failed to return to your appointed place of duty division going away luncheon. 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. 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 [REDACTED] at Andrews AFB, MD on 13 Aug 93 at 1000 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 18 Aug 93 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 Malcolm Grow Medical Facility, Andrews AFB, MD at 0700 hours on 13 Aug 93 for the examination.

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 orderly room #5D340.



Commander, Hq Sq Section

- 14 Atch
- 1. AF Form 174  
dtd 29 Jul 93
- 2. MFR dtd 13 Jul 93
- 3. Dishonored Check  
Notice dtd 17 Jun 93
- 4. MFR dtd 7 May 93
- 5. LOC dtd 6 May 93
- 6. LOR w/UIF entry  
dtd 5 May 93
- 7. AAFES Payment  
Agreement dtd  
4 May 93
- 8. MFR dtd 29 Apr 93
- 9. MFR dtd 29 Apr 93
- 10. Article 15  
dtd 26 Aug 92
- 11. AF Form 2098  
dtd 25 Aug 92
- 12. AF Form 2098  
dtd 20 Aug 92
- 13. LOR dtd 10 Aug 92
- 14. LOC dtd 21 Jul 92