

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE A1C	AFSN/SSAN ████████████████				
TYPE GEN	PERSONAL APPEARANCE		X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	No						
	X						
MEMBER SITTING <div style="border: 1px dashed black; width: 100%; height: 100%;"></div>			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
ISSUES A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD			
				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		
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
					TAPE RECORDING OF PERSONAL APPEARANCE		
HEARING DATE 07 Apr 2004		CASE NUMBER FD-2003-00525					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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							
INDORSEMENT				DATE: 4/7/2004			
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-2003-00525

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and, to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are denied.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s and three Letters of Reprimand. 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. The Board did take note of the applicant's duty performance as documented by his performance reports and other accomplishments. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 21 Mar 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, Change to Reentry Code, Reason, and Authority.

2. **BACKGROUND:**

a. DOB: 5 Sep 71. Enlmt Age: 17 1/12. Disch Age: 25 6/12. Educ:HS DIPL. AFQT: N/A. A-76, E-61, G-59, M-29. PAFSC: 2S051 - Supply Management Journeyman. DAS: 1 Aug 94.

b. Prior Sv: (1) AFRes 26 Oct 88 - 17 Jul 89 (8 Months 22 Days) (Inactive).

(2) Enld as AB 18 Jul 89 for 4 yrs. Svd: 3 Yrs 11 Mos 13 Das, all AMS. AMN - Unknown. A1C - (EPR Indicates): 18 Jul 89 - 13 May 91. SrA - 18 Jul 92. EPRs: 3,4.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 1 Jul 93 for 4 yrs. Svd: 3 Yrs 8 Mos 21 Das, all AMS.

b. Grade Status: A1C - 3 Jun 96 (Article 15, 3 Jun 96)

c. Time Lost: None.

d. Art 15's: (1) 3 Jun 96, Robins AFB, GA - Article 86. You did, on or about 9 May 96, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (Appeal/Withdrawn) (No mitigation)

(2) 14 Jun 95, Robins AFB, GA - Article 86. You did, on or about 24 May 95, without authority, go from your appointed place of duty. Article 107. You did, on or about 24 May 95, with intent to deceive, make to SSgt [REDACTED], an official statement, to wit: that MSgt [REDACTED] had called you and asked you to go to the orderly room to sign a "rip" and talk with him, which statement was totally false, and was then known by you to be so false. Suspended reduction to A1C, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 18 DEC 96 - Failure to follow regulations.
LOR, 03 SEP 96 - Unauthorized absence from duty.
LOR, 16 MAY 95 - Failure to go and lying.

f. CM: None.

g. Record of SV: 29 Sep 92 - 28 Sep 93 Loring AFB 4 (Annual)
 29 Sep 93 - 31 Mar 94 Loring AFB 4 (CRO)
 01 Apr 94 - 31 Mar 95 Robins AFB 4 (Annual)
 31 Mar 95 - 21 Sep 95 Robins AFB 2 (CRO) REF
 22 Sep 95 - 21 Sep 96 Robins AFB 2 (Annual) REF

(Discharged from Robins AFB)

h. Awards & Decs: AFAM, AFLSA, AFTR, AFOLTR, NDSM, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (8) Yrs (4) Mos (24) Das
 TAMS: (7) Yrs (8) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Nov 03.
 (Upgrade Discharge to Honorable, Change Reentry Code, Reason, and Authority)

Issue 1: I am trying to get into the Air National Guard. I had a great first 6 years in the Air Force. I made a couple of mistakes during the last year or so of my enlistment. I was having marital troubles and some credit problems at the same (sic) and my mind was not as focused as it should have been.

ATCH
 None.

15 Dec 03/cr



DEPARTMENT OF THE AIR FORCE

HQ WARNER ROBINS AIR LOGISTICS CENTER (AFMC)

ROBINS AIR FORCE BASE GEORGIA

JAN 06 1997

MEMORANDUM FOR A1C [REDACTED] 78 CS

FROM: 78 CS/CC

SUBJECT: Notification Memorandum--Board Hearing

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions, according to AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.49. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.
2. My reasons for this action are as follows:
 - a. On or about 26 October 1996 and on or about 30 October 1996, you signed for Hewlett Packard Printers and Zenith Computer Systems without physically accounting for this equipment. It was later discovered that two printers, one CPU and a monitor were missing from the shipment you receipted for, which made you liable for the loss of said equipment. For this incident, you received a Letter of Reprimand dated 18 December 1996, which was placed in your existing Unfavorable Information File.
 - b. On or about 7 August 1996, without authority, you failed to return to your appointed place of duty. As a result, you received a Letter of Reprimand dated 3 September 1996 which was placed in your existing Unfavorable Information File.
 - c. On or about 24 May 1995, without authority, you went from your appointed place of duty, to wit: Building 640, and with intent to deceive made to SSgt [REDACTED] an official statement, to wit: that MSgt [REDACTED] had called you and asked you to go to the orderly room to sign a "rip" and talk with him, which statement was totally false and was then known by you to be so false. Consequently, you received an Article 15, UCMJ, dated 14 June 1996, which was in your then existing Unfavorable Information File.
 - d. On or about 12 May 1995, without authority, you failed to report to your appointed place of duty. For this incident, you received a Letter of Reprimand dated 16 May 1995, which was used to establish an Unfavorable Information File.

3. This action could result in your separation with an Under Other Than Honorable Conditions Discharge. I am recommending that you receive a General Discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces.

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 the above rights. You must consult legal counsel before making a decision to waive any of your rights.


5. You have been scheduled for a physical examination on Wednesday, 15 January 1997, at 0700 hours, at Physical Exams, building 207 (near the Green Street Gate). Your follow-up appointment will also be on 15 January 1997, at 0920 hours at Family Practice in the main clinic, building 700. Have your medical records with you and you must report in uniform.

6. Military legal counsel, Capt [REDACTED] located at ext [REDACTED], bldg 368, has been obtained to assist you. **An appointment has been scheduled for you to consult him on Tuesday, 7 January 1997 at 1100 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 AFI 51-201. 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 also will 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 your right to the board hearing.

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 review at the Area Defense Counsel office located at the address in paragraph 6 above.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
10. The discharge board or the discharge authority will make the findings and recommendations required under 10 U.S.C. 2005 (g).
11. Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Commander

2 Attachments:

1. Documents Supporting Discharge
 - a. AF Fm 1137
 - b. LOR, dtd 18 Dec 96
 - c. AF Fm 1058, dtd 26 Sep 96 w/atchs
 - d. AF Fm 3070, dtd 14 Jun 95 w/atchs
 - e. AF Fm 1058, dtd 16 May 95 w/atchs
2. Amn's Rcpt of Notification Memorandum