

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE SRA		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>	
TYPE GEN		PERSONAL APPEARANCE			X RECORD REVIEW	
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBER SITTING				VOTE OF THE BOARD		
				HON	GEN	UOTHC
				OTHER	DENY	
						X
						X
						X
						X
						X
ISSUES A94.05		INDEX NUMBER A67.90		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 08 Jan 2004		CASE NUMBER FD-2003-00419				
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>						
INDORSEMENT				DATE: 1/12/2004		
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-2003-00419

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 record indicated the applicant received an Article 15 for dereliction of duty, a Letter of Reprimand for dereliction of duty, and a Letter of Reprimand for making and submitting a false official document. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. 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

FD2003-00419

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Sep 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Apr 75. Enlmt Age: 19 1/12. Disch Age: 27 5/12. Educ: HS DIPL. AFQT: N/A. A-80, E-63, G-64, M-27. PAFSC: 3S251 - Education and Training Journeyman. DAS: (EPR Indicates): 12 Mar 98-11 Mar 99.

b. Prior Sv: (1) Enlisted as AB 26 May 94 for 4 yrs. Extended 9 Jan 98 for 23 months. Svd: 5 yrs 8 months 2 days, all AMS. AMN - 26 May 94. A1C - 26 Sep 95. SRA - 26 May 97. EPRs: 4,5,5,4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 28 Jan 00 for 5 yrs. Svd: 2 Yrs 7 Mo 23 Das, all AMS.

b. Grade Status: SRA - 4 Jun 02 (Article 15, 4 Jun 02)
SSGT - 1 Sep 01

c. Time Lost: None.

d. Art 15's: (1) 4 Jun 02, Tyndall AFB, FL - Article 92. You, who should have known of your duties, at or near Keesler AFB, MS, on or about 27 Apr 02, were derelict in the performance of those duties in that you willfully failed to maintain established standards of a Correctional Custody Instructor, as it was your duty to do. Article 121. You, did, at or near Keesler AFB, MS, on or about 27 Apr 02, wrongfully appropriate U.S. Currency, of a value of \$40,00, the property of AB [REDACTED] Reduction to SRA. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 22 MAY 02 - Dereliction of duty.
LOR, 22 AUG 00 - Making and submitting a fraudulent official document.

f. CM: None.

g. Record of SV: 12 Mar 99 - 11 Mar 00 Tyndall AFB 5 (Annual)
12 Mar 00 - 11 Mar 01 Tyndall AFB 4 (Annual)
12 Mar 01 - 11 Mar 02 Tyndall AFB 5 (Annual)

(Discharged from Tyndall AFB)

h. Awards & Decs: AFAM W/3 OLCS, HSM, AFOSLTR, AFTR, AFLSAR W/1 OLC, NDSM W/1 BSS, JMUA, AFOUA W/2 OLC, AFGCM W/1 OLC.

i. Stmt of Sv: TMS: (8) Yrs (6) Mos (26) Das
TAMS: (8) Yrs (6) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Apr 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Board Proceedings.
2. Appeal of Nonjudicial Punishment.
3. Respondent's Exhibits.

23SEP03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2003-00717

MEMORANDUM FOR SRA [REDACTED]

19 JUN 2002

FROM: 325 LSS/CC

SUBJECT: Board Memorandum—Administrative Discharge

I am recommending your discharge from the United States Air Force for Misconduct: specifically, Conduct Prejudicial to Good Order and Discipline. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, Chapter 5, Section H, para 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

1. My reasons for this action are:

a. As evidenced by an Article 15, finalized on 18 June 02:

1) You, who should have known of your duties, at or near Keesler Air Force Base, Mississippi, on or about 27 April 2002, were derelict in the performance of your duties in that you willfully failed to maintain established standards of a Correctional Custody Instructor, as it was your duty to do.

2) You, did, at or near Keesler Air Force Base, Mississippi, on or about 27 April 2002, wrongfully appropriate U.S. Currency, of a value of \$40.00, the property of Airman Basic [REDACTED] (Atch 1a)

b. You, did, at or near Tyndall Air Force Base, Florida, on or about 12 May 2002, violate a lawful general regulation, to wit: paragraph 1.4, Air Force Instruction 36-3026, dated 29 July 1999, by failing to turn in an expired DD Form 2, Identification Card, as evidenced by a LOR dated 22 May 2002. (Atch 1b)

c. You, did, at or near Tyndall Air Force Base, Florida, on or about 11 August 2000, with intent to deceive, make an official record, to wit: a letter using government stationary, and used a signature block of a fictitious 325th Logistics Support Squadron commander, and signed the letter, as evidenced by a LOR dated 22 August 2000. (Atch 1c)

3. This action could result in your separation with an Under Honorable Conditions (General) service characterization. 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, and any special pay bonus, or education assistance funds that you received may be subjected to recoupment.

FOR OFFICIAL USE ONLY

Pg 1 of 6 Pgs

Government Ex 4 for ID

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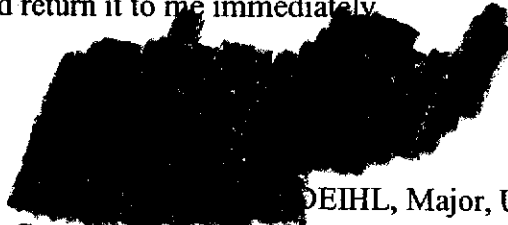
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4. You have the right to:
 - b. Consult legal counsel.
 - c. Present your case to an administrative discharge board.
 - d. Be represented by legal counsel at a board hearing.
 - e. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
 - f. 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 medical records check. You must report to the NCOIC, Physical Examination, building 1465 (3-7673), Monday, Tuesday, Thursday or Friday, between 1330 and 1500 to complete this medical records check..
6. Military legal counsel, Capt [REDACTED] building 1005, DSN 523-2911 has been obtained to assist you. An appointment has been scheduled for you to consult him on 21 Jun 02 at 0900. 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 seven (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 the 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 use in the orderly room.
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. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment. The Air Force is entitled to recoup a portion of education assistance, special pay, or bonus money which you received, if any, if you are separate before completing the period of active duty you agreed to serve. You must understand this recoupment applies regardless whether you voluntarily separate or you are involuntarily discharged for misconduct. Further understand, recoupment will apply regardless of the basis for involuntary discharge; the recoupment in all

cases is an amount that bears the same ratio to the total amount or cost provided to you, as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations.

11. You have been scheduled for a preliminary appointment with the 325 MSS Relocation Section. You must report to building 662, room 216 on 20 Jun 02 at 1300 hours.

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



DEIHL, Major, USAF
Commander, 325 LSS

Attachments:

- 1a. Article 15, finalized 18 Jun 02
- 1b. LOR, dated 22 May 02
- 1c. LOR, dated 22 Aug 00
- 2. Airman's Receipt of Notification Memorandum