

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>				GRADE  AMN		AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px; margin-top: 5px;"></div>	
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				VOTE OF THE BOARD			
				HON	GEN	UOTHC	OTHER
							X
							X
							X
							X
							X
ISSUES <b>A94.53</b>		INDEX NUMBER <b>A67.10</b>		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 <b>13 Jan 2004</b>		CASE NUMBER <b>FD-2003-00479</b>					
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.							
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>							
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2003-00479**

**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 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. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15 and a Letter of Reprimand. His misconduct included failing to adhere to "call to quarters" by remaining outside his room, and stealing a check valued at less than \$500, and benefiting from services received as a result of the use of that stolen check. Additionally, applicant failed two of his fundamental course objective block tests in technical training, was counseled on his deficient academic performance, was placed in academic probation and sent to the learning center to improve his study habits but without a positive result, had a hard time staying awake in class, and put forth only minimal effort, thus resulting in his disenrollment from the course without recommendation for retraining or reinstatement. At that time, applicant indicated he had some personal problems and separation from the military would better allow him to handle those problems. The DRB opined that through the unit's administrative actions, the applicant had opportunities to change his negative behavior. The Board concluded his misconduct was a departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

**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

MISSING MEDICAL RECORDS

(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 27 Feb 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 1 Sep 82. Enlmt Age: 19 1/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-46, E-60, G-52, M-39. PAFSC: 2A616 - Aircraft Electrical & Environmental Systems Helper. DAS: 27 May 02.

b. Prior Sv: (1) AFRes 11 Oct 01 - 8 Apr 02 (5 Months 29 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 9 Apr 02 for 4 yrs. Svd: 0 Yrs 10 Mos 19 Das, all AMS.

b. Grade Status: AMN - 9 Oct 02

c. Time Lost: None.

d. Art 15's: (1) 16 Sep 02, Sheppard AFB, TX - Article 121. You did, on or about 29 Jun 02, steal a check, of a value of under \$500.00, the property of AB [REDACTED] You did, on or about 29 Jun 02, steal \$163.30, the property of the [REDACTED] National Bank. Forfeiture of \$250.00 pay per month for 2 months, 15 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 20 DEC 02 - Failure to adhere to call to quarters.  
AETC FM 173, 02 JUL 02 - Failed second Block test.  
AETC FM 173, 28 JUN 02 - Deficient academic performance.  
AETC FM 173, 26 JUN 02 - Failed Block test and having below average attitude.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (17) Das  
TAMS: (0) Yrs (10) Mos (19) Das

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4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Oct 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**

None

6 Nov 03/cr



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**DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND**

6 Feb 2003

MEMORANDUM FOR Amn [REDACTED]

FROM: 364 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph(s) 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 29 Nov 02, were derelict in the performance of those duties in that you failed to adhere to call to quarters, as it was your duty to do. For this misconduct you received a Letter of Reprimand (LOR) on 20 Dec 02.


b. You did, at or near Sheppard AFB TX, on or about 29 Jun 02, steal a check, of a value of under \$500.00, the property of AB Alan R. Leiva. For this misconduct and subparagraph "c" below, you received Article 15 Punishment on 16 Sep 02.

c. You did, at or near Sheppard AFB TX, on or about 29 Jun 02, steal \$163.30, the property of the Fort Sill National Bank.





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 you are discharged, how your service will be characterized. 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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

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 building 1638 on 7 Feb 03 at 1400 hrs. 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 11 Feb 2003 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 the 82d Medical Group, Bldg 1200, Physical Examinations, at 1500hrs on 6 Feb 03.
7. 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 Commander's Support Staff Office.
8. Execute the attached acknowledgment and return it to me immediately.

  
Capt, USAF  
Squadron Section, Commander

Attachments:

1. LOR, 20 Dec 02
2. AF Form 3070, 16 Sep 02
3. 364 TRS/CC Memo, 20 Sep 02 w/atch
4. Appeal to Article 15, 19 Sep 02 w/3 atch
5. AF Form 1168, AB  2 Aug 02
6. AF Form 1168, AB  12 Jul 02
7. AF Form 1168, AB  12 Aug 02
8. AF Form 1168, AB  31 Jul 02
9. Check #82, 29 Jun 02
10. AETC Form 125A, 27 Jan 03
11. Student Training Report, 02037
12. AETC Form 173, 2 Jul 02
13. AETC Form 173, 28 Jun 02
14. AETC Form 173, 26 Jun 02
15. LAFB Form 205, 23 May 02
16. Airman's Receipt of Notification Memo 