

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>SRA</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE GEN	PERSONAL APPEARANCE	<b>X</b>	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: left; padding: 2px;">COUNSEL</th> </tr> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>X</b></td> <td style="padding: 2px;"></td> </tr> </table>	COUNSEL		YES	No	<b>X</b>		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL									
YES	No								
<b>X</b>									

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left; padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 2px; text-align: center;"><b>1</b></td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>2</b></td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>3</b></td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px; text-align: center;"><b>4</b></td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<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
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HEARING DATE <b>10 Mar 2004</b>	CASE NUMBER <b>FD-2003-00483</b>	
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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

<p style="text-align: center; font-weight: bold;">INDORSEMENT</p>	<p style="text-align: right; font-weight: bold;">DATE: 3/10/2004</p>
<p>TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</p>	<p>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</p>

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2003-00483**

**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 information provided by the applicant and contained in his records was carefully reviewed by the DRB. The records indicated the applicant received an Article 15, four Letters of Reprimand, two Letters of Counseling, two Records of Individual Counseling and one Memorandum for Record for misconduct. The misconduct included dereliction of duty, late for work, failure to go, missed appointments, lying, reckless driving, missing movement, and failure to obey a lawful order. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The applicant also cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on September 25, 2000) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 May 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Sep 81. Enlmt Age: 18 10/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-69, E-52, G-41, M-41. PAFSC: 3P051 - Security Forces Journeyman. DAS: 8 Apr 02.

b. Prior Sv: (1) AFRes 7 Aug 00 - 11 Sep 00 (1 month 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Sep 00 for 6 yrs. Svd: 1 Yrs 8 Mo 3 Das, all AMS.

b. Grade Status: SrA - 27 Feb 03  
A1C - 27 Oct 00

c. Time Lost: Not Applicable.

d. Art 15's: (1) 28 Apr 03, Patrick AFB, FL - Article 92. You, who knew of your duties, from about 4 Dec 02, to about 13 Feb 03, were derelict in the performance of those duties in that you willfully failed to refrain from using your government travel card for personal purchases and cash advances unrelated to official government travel, as it was your duty to do. Suspended reduction to A1C, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 02 APR 03 - Late for work.  
MFR, 25 OCT 02 - Dereliction of duty.  
LOR, 17 SEP 02 - Failure to go.  
LOR, 02 SEP 02 - Missed appointments.  
LOC, 25 JUN 02 - Failure to go.  
LOR, 24 JUN 02 - Failure to go and lying.  
LOR, 11 JUN 02 - Reckless driving and failure to stop at a stop sign.  
RIC, 18 APR 02 - Missing Movement, and failure to obey a lawful order.

f. CM: None.

g. Record of SV: 12 Sep 00 - 8 Sep 02 Patrick AFB 3 (Initial)

(Discharged from Patrick AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (8) Das  
TAMS: (2) Yrs (8) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Sep 03.  
(Change Discharge to Honorable)

Issue 1: I would like to request that my discharge be upgraded to Honorable. I regret the things I did while in the Air Force, but I don't fell (sic) that they should ruin the rest of my life. If my discharge were to be upgraded then I would be able to use the MGIB that I paid for to go back to college. Thank you for your time.

**ATCH**  
None.

26NOV03/ia



DEPARTMENT OF THE AIR FORCE  
45TH SPACE WING (AFSPC)

MEMORANDUM FOR SRA [REDACTED]

FROM: 45 SFS/CC

1 MAY 2003

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 AFPD 36-32 and AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as general (under honorable conditions).

2. My reasons for this action are:

a. On 4 Dec 02 - 13 Feb 03, you were derelict in the performance of your duties in that you willfully failed to refrain from using your government travel card for personal purchases and cash advances unrelated to official government travel. For this misconduct, you received an Article 15, UCMJ, dated 14 Apr 03.

b. On 2 Apr 03, you were one hour late for work. For this misconduct, you received a Record of Individual Counseling (RIC), dated 2 Apr 03.

c. On 25 Oct 02, you failed to show at the appointed place of duty for changeover. For this misconduct, you received a Memo for Record (MFR), dated 25 Oct 02.

d. On 6 Sep 02, you did not report to duty at the appointed time. For this misconduct, you received a Letter of Reprimand (LOR), dated 17 Sep 02.

e. On 20 and 21 Aug 02, you missed the scheduled appointments, which you acknowledged in writing, that missing these appointments would result in disciplinary actions. For this misconduct, you received a LOR, dated 2 Sep 02.

f. On 24 Jun 02, you failed to show up, according to the on-duty armorer. For this misconduct, you received a Letter of Counseling, dated 25 Jun 02.

g. On 18 Jun 02, you failed to attend mandatory training. For this misconduct, you received a LOR, dated 24 Jun 02.

h. On 10 Jun 02, you were observed and stopped for reckless driving. For this misconduct, you received a LOR, dated 11 Jun 02.

i. On 17 Apr 02, you did not return to your place of duty from a scheduled appointment. For this misconduct, you received a RIC, dated 18 Apr 02.

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 a 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.

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 Capt [REDACTED] at Bldg 423, Suite N-115, Patrick AFB, Florida, on 2 MAY 2003 at 1400 hrs. 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 6 MAY 2003, 1500hrs 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 45th Medical Group, Physical Exams at 0930 hrs on 5 MAY 2003 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 at the Area Defense Counsel's office.

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

[REDACTED]

LT Col, USAF  
Commander, 45 SFS

9 Atchs:

1. Art 15, dtd 14 Apr 03
2. RIC, dtd 2 Apr 03
3. MFR, dtd 25 Oct 02
4. LOR, dtd 17 Sep 02
5. LOR, dtd 02 Sep 02
6. LOC, dtd 25 Jun 02
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