

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> CAPT	<b>AFSN/SSAN</b> [REDACTED]
<b>TYPE UOTH</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>		

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

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A70.00	<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 Feb 2004	<b>CASE NUMBER</b> FD-2003-00530	
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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

*[Signature]*

<b>INDORSEMENT</b>		<b>DATE: 2/26/2004</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	

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received resigned for the good of the service and received an under Other Than Honorable Conditions (UOTHC) discharge. Although the personnel records are missing from the file, the Charge Sheet shows a charge for a violation of Article 86 and a charge for a violation of Article 123a under the UCMJ. 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.

**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 CAPT) (HGH CAPT)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 14 Jul 89 UP AFR 36-12 (Resignation for the Good of the Service). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Oct 61. Enlmt Age: 17 9/12. Disch Age: 27 8/12. Educ: Baccalaureate Degree. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 2724 - Acquisition Project Officer. DAS: 11 Jun 85.

b. Prior Sv: Enlisted USAFR as AB 25 Jul 79. Svd: 10 months 28 days, all AMS.

(2) Entered USAF Academy 22 Jun 80.

3. **SERVICE UNDER REVIEW:**

a. Appointed as 2nd Lt & Ordered to EAD 30 May 84. Svd: 5 Yrs 1 Mo 15 Das, all AMS.

b. Grade Status: Capt - 30 May 88  
1Lt - 30 May 86

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV:

30 May 84 - 29 Nov 84	Los Angeles AFS	1	(Semiannual)
30 Nov 84 - 29 May 85	Los Angeles AFS	1	(Semiannual)
30 May 85 - 29 Nov 85	Los Angeles AFS	1	(Semiannual)
30 Nov 85 - 29 May 86	Los Angeles AFS	1	(Semiannual)
30 May 86 - 29 Nov 86	Los Angeles AFS	1	(Semiannual)
30 Nov 86 - 29 Nov 87	Los Angeles AFS	1	(Annual)

(Discharged from Los Angeles AFS)

h. Awards & Decs: AFTR, AFLSAR.

i. Stmt of Sv: TMS: (6) Yrs (0) Mos (13) Das  
TAMS: (6) Yrs (0) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Nov 03.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

22DEC03/ia

Issue 1: My discharge was inequitable because it was based on one isolated incident in 5 years of service with no other adverse action. All performance reports were above standard.

Issue 2: I did not resign in-lieu of court-martial. To the best of my knowledge no charges were made or referred to court-martial. The resignation was not for the good of the service, but for expediency in the investigation.

Issue 3: It was not my desire to resign. However, I was told by counsel that I should "just go ahead and get out" since I had completed my commitment to the USAF. I believe this was recommended in order to "get it over with in a hurry." It was for the benefit of expediency with no regard for what was good for the service or me. I had never had any negative incidents before and to be honest, I was scared and relied heavily on counsel; therefore, I did as I was instructed (as I had always done during my service). I was told there were no other options; however now I believe there were other options and avenues. Additionally, I was not told that it would be UOTH conditions. I would not have resigned under such a condition.

Issue 4: Some accounting errors were made on my part; however, there was no intent to be malicious in any way. This was an honest mistake and an error in personal accounting. There was no intent to defraud, deceive, or evade. I made no false promises with respect to the incident. I was not behaving in bad faith or gross indifference. **All issues of concern were addressed and all debts paid in full BEFORE the letter of resignation was submitted.**

Issue 5: The incident was financial in nature. I inquired about financial counseling or debt management education, but was told this was not an option. However, I believe that it would have been the best option for all involved. This incident DID NOT impact my ability to perform my job responsibilities or duties

Issue 6: Based on my service record, I believe that administrative action such as counseling, education requirements, or non-judicial punishment (Article 15) **might** have applied. Until this ONE incident, my record was spotless, my service was outstanding, and I had a great military career ahead of me. I believe that my resignation should have been accepted under Honorable or General/Under Honorable Conditions.