

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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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	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A67.10	INDEX NUMBER A94.05	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table>	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
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HEARING DATE 15 Jan 2004	CASE NUMBER FD-2003-00547
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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]

INDORSEMENT		DATE: 3/26/2004
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-2003-00547

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 records indicated the applicant received three Letters of Counseling for misconduct. 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.

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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Apr 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Oct 74. Enlmt Age: 19 8/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-90, E-75, G-86, M-30. PAFSC: 1N251 - Signals Intelligence Production Journeyman. DAS: 24 Oct 95.

b. Prior Sv: (1) AFRes 19 Jul 94 - 22 Nov 94 (4 Months 4 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 23 Nov 94 for 4 yrs. Ext: 24 May 95 for 1 month. Svd: 3 Yrs 5 Mos 2 Das, all AMS.

b. Grade Status: A1C - 22 Apr 96
AMN - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 26 FEB 98 - Failure to obey a direct order.
LOR, 17 NOV 97 - Financial irresponsibility.
LOR, 11 AUG 97 - Misuse of government facilities and making a false official statement.

f. CM: None.

g. Record of SV: 23 Nov 94 - 22 Jul 96 Kelly AFB 4 (Initial)
23 Jul 96 - 14 Apr 97 Kelly AFB 4 (CRO)

(Discharged from Kelly AFB)

h. Awards & Decs: AFGCM, NDSM, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (9) Mos (6) Das
TAMS: (3) Yrs (5) Mos (2) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Nov 03.
(Change Discharge to Honorable)

Issue 1: I would like my discharge to be changed from General to Honorable. I was never court-martialled (sic) nor given an Article 15 during any time while in the U.S. Air Force. I accept the fact that I made mistakes during my time in the Air Force, but I honorably served my country for three & a half years. I was never given a fair opportunity, in my opinion, to finish my enlistment. Of the mistakes that I did make, non (sic) warranted a discharge. I've been unable to use my G. I. Bill benefits to get into school because of youthful mistakes, and as a veteran, I feel that I deserve to have this burden of a general discharge released. I think that once you read my files, you will also see that a discharge for minor offenses was unwarranted. There were people in my own squadron that were given nothing more than a slap on the hand for such things as DUI's & derelect (sic) of duty.

ATCH

1. Notification of Administrative Discharge.

29 Dec 03/cr



DEPARTMENT OF THE AIR FORCE
AIR INTELLIGENCE AGENCY

13 APR 1998

MEMORANDUM FOR A1C [REDACTED] 93 IS

FROM: 93 IS/CC

SUBJECT: Notification of Administrative Discharge Action Under AFI 36-3208

1. I am recommending your involuntary discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFDP 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. On 31 Jul 97, you willingly and knowingly misused government facilities and made a false official statement concerning your identity. Specifically, you ate at an Air Force dining hall and signed a false name so you would not have to pay for the meal. You are authorized Basic Allowance for Subsistence and are required to pay when eating at government dining halls. For this misconduct, you received a Letter of Reprimand (LOR) on 11 Aug 97.
 - b. On 15 Oct 97, you made and uttered to Personal Credit a certain check, in the amount of seventy five dollars (\$75.00), and did thereafter dishonorably fail to maintain sufficient funds in your checking account at First Interstate Bank of Arizona, N.A., for payment of such check upon presentment. For this misconduct, you received a LOR on 17 Nov 97.
 - c. Between 9 Feb 98 and 20 Feb 98, you received a lawful order from Chief Master Sergeant [REDACTED], a noncommissioned officer, to attend a scheduled alcohol abuse training class and provide Chief [REDACTED] with a receipt acknowledging payment of delinquent debt; you failed to follow this order. For this misconduct, you received a LOR on 26 Feb 98.
4. 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 from or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.
5. 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] on 14 APR 98 at 0930 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 0930/15 APR 98 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You have been scheduled for a medical examination. You must report to

PHYSICAL EXAMS at 0730L hours on 21 APR 98 for the examination.
DR [REDACTED] 1000L 22 APR 98

9. 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 squadron's orderly room.

[REDACTED]
[REDACTED] Lt Col, USAF
Commander

Attachments:

1. LOR, dated 11 Aug 97
2. LOR, dated 17 Nov 97
3. LOR, dated 26 Feb 98
4. Airman's Receipt of Notification
5. Airman's Statement