

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE SRA	AFSN/SSAN [REDACTED]			
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
						X
						X
						X
						X
						X
ISSUES A92.35	INDEX NUMBER A64.00	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 30 Jul 2004	CASE NUMBER FD-2004-00071					
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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>						
INDORSEMENT		DATE: 8/2/04				
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-2004-00071

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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh; he feels it was based on a single isolated incident. The records indicated the applicant received two Letters of Reprimand, 9 months apart, both for civilian convictions based on separate and distinct off-base criminal behavior. He also had an Unfavorable Information File and was placed on the Control Roster. As a result of the first conviction, for disorderly conduct, contributing to the delinquency of a minor, and menacing, member was fined \$250.00, plus \$250.00 court costs, with a 30-day suspended jail sentence, and a separate one year jail sentence, also suspended for 2 years on good behavior. His second conviction for theft from an off-base sporting goods store resulted in suspended 3-year supervised probation sentence. Additionally, member had written eight dishonored checks and was sent to budget counseling twice. While these matters were not used as a basis for discharge, they were cited as additional derogatory data and could be used for characterization of service. The DRB opined that through the unit's administrative actions, and civilian court convictions, applicant had ample opportunities to change his negative behavior and was either unwilling or unable to do so. 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.

Issue 2. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB nevertheless concluded that the characterization of the applicant's discharge was appropriate due to the misconduct that occurred during his period of service. While the Board is sympathetic to the negative impact of a general discharge, this is not a reason that suggests an inequity or impropriety that 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 Minot AFB, ND on 26 May 89 UP AFR 39-10, para 5-47a (Pattern of Misconduct - Discreditable Involvement With Civil Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Dec 64. Enlmt Age: 20 11/12. Disch Age: 24 5/12. Educ: HS DIPL. AFQT: N/A. A-77, E-60, G-66, M-88. PAFSC: 45750B - Strategic Aircraft Maintenance Specialist. DAS: 23 Apr 86.

b. Prior Sv: (1) AFRes 9 Dec 85 - 25 Dec 85 (17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Dec 85 for 6 yrs. Svd: 3 Yrs 1 Mo 5 Das, all AMS.

b. Grade Status: SrA - 11 Jun 88
A1C - (APR Indicates): 26 Dec 85-25 Dec 86

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 13 MAY 89 - Civilian conviction for theft of property.
LOR, 23 AUG 88 - Civilian conviction for disorderly conduct, contributing to the delinquency of a minor, and menacing.

f. CM: None.

g. Record of SV: 26 Dec 85 - 25 Dec 86 Minot AFB 9 (Annual)
26 Dec 86 - 25 Dec 87 Minot AFB 9 (Annual)
26 Dec 87 - 25 Dec 88 Minot AFB 8 (Annual)

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

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (18) Das
TAMS: (3) Yrs (5) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Feb 04.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on a single isolated incident. And marking or writing General under honorable conditions on

a job or credit application makes a huge black mark. Please, I have suffered enough.

ATCH
None.

14MAY04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH BOMBARDMENT WING (SAC)
MINOT AIR FORCE BASE, ND 58705

FD 2004-00071

REPLY TO
ATTN OF: 5 OMS/CC

22 MAY 89

SUBJECT: Letter of Notification

TO: SrA [REDACTED] 5 OMS

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, more specifically, discreditable involvement with civil authorities. The authority for this action is AFR 39-10, paragraph 5-47a. If my recommendation is approved, your discharge 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 or about 10 May 1989, you were convicted of theft of property in Ward County, North Dakota, after pleading guilty to that offense. For this conviction you received a Letter of Reprimand on 13 May 1989.

b. On or about 16 July 1988, at Fort Stevenson State Park, McClean County, North Dakota, you conducted yourself in a disorderly manner, you contributed to the delinquency of a minor, and terrorized park patrons. For these offenses you were convicted by civil authorities in McClean County, North Dakota. In addition, you received a Letter of Reprimand on 23 August 1988 and an unfavorable information file was opened in your name on that same date.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction (57 AD/CC) or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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], the Area Defense Counsel, at her office, Bldg 475, Room 306A, on 22 MAY 1989 at 1500 hours. 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 0700 hours on 25 MAY 1989 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

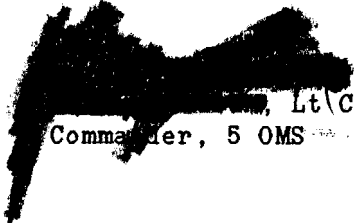
5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You were previously scheduled for a medical examination on 17 May 1989.

Peace... is our Profession

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the Orderly Room.

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



[Redacted], Lt Col, USAF
Commander, 5 OMS

3 Atch

1. Supporting Documents for the Reasons for Discharge
2. Documents Containing Derogatory Information Which are not Listed in Letter of Notification
3. Airman's Receipt of Letter of Notification