

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		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 A94.01	INDEX NUMBER A67.90	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 18 May 2004	CASE NUMBER FD-2004-00083			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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

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INDORSEMENT		DATE: 5/19/2004
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-2004-00083

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 does not contest his discharge. He states that he would like to receive his G.I. Bill benefits. The records indicated the applicant received an Article 15, one Letter of Reprimand, one Letter of Admonishment, and a Vacation action under the UCMJ for stealing. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her 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. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she understood she 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Lackland AFB, TX on 10 Dec 99 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Oct 78. Enlmt Age: 18 0/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-82, E-50, G-62, M-22. PAFSC: 3C051 - Communications-Computer Systems Operator. DAS: 17 Nov 97.

b. Prior Sv: (1) AFRes 26 Oct 96 - 3 Jun 97 (7 months 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Jun 97 for 4 yrs. Svd: 2 Yrs 6 Mo 7 Das, all AMS.

b. Grade Status: Amn - 5 May 99 (Vacation of Article 15, 12 Oct 99)
A1C - 4 Oct 98
Amn - 4 Dec 97

c. Time Lost: None.

d. Art 15's: (1) 12 Oct 99, Vacation, Lackland AFB, TX - Article 121. You, did, at or near Woodlands, Texas, on or about 20 Sep 99, steal clothing of a value of approximately \$150.00, the property of J.C. Penney. Reduction to Airman. (No appeal) (No mitigation)

(2) 5 May 99, Lackland AFB, TX - Article 121. You, did, on or about 24 Mar 99, steal a camera, of a value of approximately \$374.95, the property of the Lackland Air Force Base Exchange. Suspended reduction to Airman, and 1 day correctional custody. (No appeal) (No mitigation)

e. Additional: LOR, 13 OCT 99 - Arrested for shoplifting.
LOA, 06 JAN 99 - Returning a camera to the Base Exchange on multiple occasions, suggesting impropriety.

f. CM: None.

g. Record of SV: 4 Jun 97 - 03 Feb 99 Lackland AFB 4 (Initial)
4 Feb 99 - 15 May 99 Lackland AFB 3 (Cmdr Dir)REF

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (1) Mos (15) Das
TAMS: (2) Yrs (6) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Mar 04.
(Change Discharge to Honorable)

Issue 1: Requesting an upgrade so that I may have access to my GI Bill, in order to further my education (in nursing). I have since my discharge, had time to better myself as a person of deep regret. I have repaid society for my wrongdoings and learned my lesson in the process. Never has this same incident reoccurred. Please take my request into consideration. Thank you.

ATCH

1. College Registration Statement.
2. College Bookstore Receipt.

24MAR04/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2004-00083

02 NOV 1998

MEMORANDUM FOR AMN [REDACTED]

FROM: 37 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for **Conduct Prejudicial to Good order and Discipline. The Authority for this is AFPD 36-32 and AFI 36-3208, Paragraph 5.50.2.** If my recommendation is approved, your service will be characterized as **Honorable or General**. I am recommending your service be characterized as **General**.

2. My reasons for this action are:


a. On or about 06 January 1999, you returned an APS Elph Camera valued at approximately \$285.00 to the Base Exchange without a receipt. You returned this item on numerous occasions and became suspect of impropriety on your part. Although you were not found guilty on this account your actions placed your integrity in question and you received a Letter of Admonishment.

b. On 24 March 1999, you did at or near Lackland Air Force Base steal a camera of a value of approximately \$345.95, the property of the Lackland Air Force Base Exchange. This was a violation of the UCMJ, Article 121. You accepted an Article 15 for theft. As a result you were reduced to the grade of E-2 with a new date of rank of 05 May 1999 which was suspended until 03 November 1999 unless sooner vacated. One day of correctional custody was also imposed and an Unfavorable Information File (UIF) was established.

c. On 20 September 1999, the Montgomery County Sheriffs Department in or near the city of Woodlands TX arrested you for shoplifting. You stole from the J.C. Penny department store items valued at a total cost of \$150.00. This is a violation of Article 121 of the UCMJ. You committed this act while still under suspension from the 24 Mar 99 incident at the Lackland AFB Exchange. The suspension was therefore vacated and a Letter of Reprimand was given and filed in existing UIF.

3. Copies of 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. 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 the Area Defense Counsel (ADC) at Bldg 1000 on 2 Nov 99 at 1000. 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 05 Nov 99 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 will be required to take a medical examination. You must report to Bldg. 6612, Rm 502, Monday through Friday, between 1300 - 1500 hours **with your medical, immunization, and dental records.**
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 in the Unit Orderly Room.


Lt Col, USAF
Commander, 37th Communications Squadron

Attachments:

1. Letter of Admonition, dated 06 January 99
2. Article 15, dated 24 March 99
3. Record of Vacation of Nonjudicial Punishment AF Form 366 dated 05 Oct. 99
4. Letter of Reprimand, dated 13 October 99
5. Enlisted Performance Reports