

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE SRA	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
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>	X				
	X				
	X				
	X				
	X				

ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD			
A94.06 A94.56 A92.18 A93.12	A13.00	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 04 Jun 2004	CASE NUMBER FD-2004-00096
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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.

INDORSEMENT		DATE: 6/4/2004
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-2004-00096

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the characterization of service inequitable.

ISSUE: After a thorough and complete consideration of the information submitted by the applicant and contained in the records, the Board concluded there was sufficient mitigation to substantiate upgrade of the discharge. Specifically, the Board found the characterization too harsh. However, they did not condone applicant's misconduct.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's characterization of service should be changed to Honorable under the provisions of Title 10, USC 1553.

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 Incirlik AB, Turkey on 14 Dec 95 UP AFI 36-3208, paragraphs 5.65 & 5.50.4 (Exceeding Body Fat Standards & Failure to Pay Just Debts). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Jan 69. Enlmt Age: 21 0/12. Disch Age: 26 11/12. Educ: HS DIPL. AFQT: N/A. A-79, E-83, G-78, M-92. PAFSC: 1C151 - Air Traffic Control Journeyman. DAS: 1 Nov 93.

b. Prior Sv: (1) AFRes 1 Feb 90 - 29 Mar 90 (1 month 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Mar 90 for 6 yrs. Svd: 5 Yrs 8 Mo 15 Das, all AMS.

b. Grade Status: SrA - 15 Sep 92
A1C - 15 May 90

c. Time Lost: None.

d. Art 15's: (1) 15 Mar 95, Incirlik AB, Turkey - Article 134. You did, between on or about 29 Dec 1994 to on or about 13 Jan 95, make and utter to 39 CPTS/FMFD, 10 checks in words and figures of a total of \$1,785.00, for lawful currency or other things of value, and did thereafter dishonorably fail to maintain sufficient funds in the ██████████ Federal Credit Union, Biloxi, Mississippi for payment of such checks in full upon their presentment for payment. Suspended reduction to A1C, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: AF FORM 108, 10 OCT 95 - Fifth unsatisfactory weigh-in.
LOR, 21 AUG 95 - Failure to pay just debts.
LOR, 12 JUN 95 - Unsatisfactory weigh-in.
LOR, 16 MAY 95 - Unsatisfactory weigh-in.
AF FORM 393, 30 NOV 94 - Unsatisfactory weigh-in.
LOR, 07 SEP 94 - Late for official monthly weigh-in, and unsatisfactory weigh-in.

f. CM: None.

g. Record of SV: 30 Mar 90 - 11 Apr 92 RAF Upper Heyford 4 (Initial)
12 Apr 92 - 11 Apr 93 RAF Upper Heyford 4 (Annual)
12 Apr 93 - 11 Apr 94 Incirlik AB 4 (Annual)

12 Apr 94 - 11 Apr 95 Incirlik AB

2 (Annual)REF

h. Awards & Decs: AFAM W/1 OLC, JMUA, AFOUA W/2 OLCS, AFGCM, NDSM, SWASM W/1 BS, AFOSSTR, AFOSLTR, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (10) Mos (14) Das
TAMS: (5) Yrs (8) Mos (15) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 5 Mar 04.
(Change Discharge to Honorable)

Issue 1: My discharge was for Weight Management issues and was not related to a previous Article 15.

Issue 2: My discharge did not accurately reflect my entire service records.

Issue 3: Statements made by Squadron Commander were not taken into consideration.

ATCH

1. Written Statement.
2. DD Form 214.

8APR04/ia

FD 2004 00096

DEPARTMENT OF THE AIR FORCE
39TH WING (USAFE)

NOV 3 0 1995

MEMORANDUM FOR SrA [REDACTED]

FROM: 39 OSS/CC

SUBJECT: Notification Memorandum

I am recommending your discharge from the United States Air Force for exceeding body fat standards and dishonorable failure to pay just debts. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.65 and 5.50.4. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general (under honorable conditions).

My reasons for this action are:

On 10 Oct 95, failed to maintain satisfactory progress on the Weight Management Program (WMP). This was your fifth unsatisfactory weigh-in.

On 8 Jun 95, failed to maintain satisfactory progress on the WMP. This was your fourth unsatisfactory weigh-in. For this action you received a letter of reprimand and placement on the control roster.

On 8 May 95, failed to maintain satisfactory progress on the WMP. This was your third unsatisfactory weigh-in. For this action you received a letter of reprimand.

On 30 Nov 94, failed to maintain satisfactory progress on the WMP. This was your second unsatisfactory weigh-in.

On 1 Sep 94, failed to maintain satisfactory progress on the WMP. This was your first unsatisfactory weigh-in. For this action you received a letter of reprimand.

On 15 Mar 95, you received an Article 15 for failing to maintain sufficient funds in your checking account.

On 21 Aug 95, failed to pay a just debt. For this action you received a letter of reprimand which was added to your existing unfavorable information file (UIF).

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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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 885 on 5 Dec at 0900 hrs. You may consult civilian counsel at your own expense.

You have the right to submit statement in your own behalf. Any statements you want the separation authority to consider must reach me by 6 Dec 95 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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.

You have been scheduled for a medical examination. You must report to 39 MDG Physical Exams at 0730 hrs on Done 31 Oct for the examination.

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 Base Information Library.



LtCol, USAF

Commander