

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ████████████████
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<b>TYPE GEN</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>		

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
	X				
	X				
	X				
	X				
	X				

<b>ISSUES</b> A94.06	<b>INDEX NUMBER</b> A67.90	<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> 30 Jun 2004	<b>CASE NUMBER</b> FD-2004-00113	
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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.

<b>SIGNATURE OF RECORDER</b>	<b>SIGNATURE OF BOARD PRESIDENT</b>

**INDORSEMENT** **DATE: 6/30/2004**

<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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00113**

**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 applicant's reason and authority for discharge inequitable.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, a Record of Individual Counseling and one Memorandum for Record for misconduct. The DRB opined that the issuance of a Memorandum for Record and subsequent discharge less than four months prior to the applicant's term of enlistment was too harsh.

**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 and should be changed 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

[REDACTED]  
[REDACTED]  
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Lackland AFB, Texas on 26 Aug 99 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Jan 77. Enlmt Age: 18 10/12. Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-32, E-55, G-44, M-37. PAFSC: 4N031 - Medical Service Apprentice. DAS: 13 Nov 98.

b. Prior Sv: None. (Examiner's Note: DD Form 214, block 12e indicates 1 Yr 1 Mo 14 days inactive service. However, there are no documents in the file to support it).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Dec 95 for 4 yrs. Svd: 3 Yrs 8 Mo 21 Das, all AMS.

b. Grade Status: A1C - 3 Aug 97  
Amn - 6 Jun 96

c. Time Lost: None.

d. Art 15's: (1) 22 Sep 98, Misawa AB, Japan - Article 92. You, on or about 22 Aug 98, having knowledge of a lawful order issued by Lt Col [REDACTED] the Support Group Deputy Commander, dated 14 Aug 97, as extended by a lawful order issued by Lt Col [REDACTED], dated 31 Mar 98, to wit: not to drive, an order which it was your duty to obey, did fail to obey the same. Suspended reduction to Airman, and forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 10 Feb 97, Misawa AB, Japan - Article 121. You did, on or about 16 Jan 97, steal two compact discs and one pair of sweatpants of a value of about \$45.44, the property of the Army Air Force Exchange Service. Suspended reduction to Airman Basic, forfeiture of \$100.00 pay per month for two months, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: MFR, 12 APR 99 - Dereliction of duty.  
RIC, 11 FEB 99 - Failure to go.

f. CM: None.

g. Record of SV: 6 Dec 95 - 5 Aug 97 Misawa AB 3 (Initial)  
6 Aug 97 - 5 Aug 98 Misawa AB 4 (Annual)

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

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (21) Das  
TAMS: (3) Yrs (8) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Mar 04.  
(Change Discharge to Honorable)

Issue 1: I [REDACTED] would like a review of my records, requesting the change of General discharge to Honorable. I was given the General discharge for misconduct. I do not deny the misconduct but I do feel to loose (sic) all my benefits as a veteren is to harsh. I would like the court to review my records my mistakes that where (sic) made I have learned from and, I am still trying my best to improve myself each day. I served 3 years and 8 months in the Airforce (sic). I worked hard each day, and never had any discipline problems while on duty. I paid 1,200 dollars for the G.I. bill which I can not obtain because of my discharge. I would like to recieve (sic) this to better my mind is (sic) College. I am in college at this time and this change will help me a lot. So I ask that you please review my records and change my discharge to Honorable.

**ATCH**

1. DD Form 214.

22APR04/ia

DEPARTMENT OF THE AIR FORCE  
59<sup>th</sup> Medical Wing (AETC)

FD 2004-00113

16 Jun 99

MEMORANDUM FOR A1C [REDACTED]

FROM: 859 MSGS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for **A Pattern of Misconduct**, specifically **Conduct Prejudicial to Good Order and Discipline**. The authority for this action 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 that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 16 Jan 97, you stole two compact discs and one pair of sweatpants valued a \$45.44 from the Army Air Force Exchange Service at Misawa Air Base, Japan, for which, you received an Article 15 on 10 Feb 97 and a Unfavorable Information File on 16 Jan 97. Your punishment included a reduction to the grade of Airman Basic (E-1), suspended until 2 Aug 97, forfeiture of \$100.00 pay per month for two months and 45 days extra duty.

b. On or about 22 Aug 98, you disobeyed a lawful order not to operate a motor vehicle which it was your duty to obey, for which infraction, you were given an Article 15. Your punishment included a reduction to the grade of Airman (E-2), suspended until 21 Mar 99 and forfeiture of \$200.00 pay per month for two months, and an Unfavorable Information File (UIF) was started for misconduct.

c. On or about 16 Dec 98 and 27 Jan 99, you failed to attend a Personal Financial Management (PRMP) Seminar, for which, you received a Record of Individual Counseling (RIC) dated 11 Feb 99.

d. On or about 12 Apr 99, you turned in an incomplete mobility processing checklist to your NCOIC which was given to you by your superintendent one week before. You failed to have your immunization portion completed and could not furnish your shot record, for which you were verbally counseled. This counseling is documented in a Memorandum for Record dated 12 Apr 99 concerning this incident.

3. 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 and, if

are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

- 4. You have the right to counsel. Military Legal Counsel has been obtained for you. I have made an appointment for you to consult Area defense counsel at Building Number 7024, on 16 Jun 99 at 1000 hours. You may consult civilian counsel at your own expense. If employed, civilian counsel must be readily available.
- 5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within **three** workdays, 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 have been scheduled for a medical examination. You must report to Building 6612, Rm 502, **Monday through Friday, between 1300 - 1500** with your medical, immunization, and dental records for the examination.
- 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 at the 59<sup>th</sup> Surgical Operations orderly room.



Lt Col, USAF, NC  
Commander, 859<sup>th</sup> Surgical Operations Squadron

Attachments:

- 1. AF Form 3070 dated 10 Feb 97
- 2. UIF dated 16 Jan 97
- 3. AF Form 3070 dated 22 Sep 98
- 4. AF Form 174, RIC dated 11 Feb 99
- 5. MFR dated 8 Jan 99
- 6. MFR dated 12 Apr 99
- 7. Statement of Understanding
- 8. Airman's Receipt of Notification Memorandum