

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AB	AFSN/SSAN ██████████
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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
					X
					X
					X
					X
					X

ISSUES A94.53	INDEX NUMBER A67.10	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-2004-00115
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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

[Handwritten Signature]

INDORSEMENT		DATE: 5/18/2004
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-2004-00115

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, and to change the reenlistment code.

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 and change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: The applicant received a General discharge (Misconduct - Minor Disciplinary Infractions) and submitted one issue:

Issue 1. The applicant cited his desire to join the United States Army as justification for upgrade. The DRB noted this is not a matter of inequity or impropriety which would warrant an upgrade and found no other evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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

[REDACTED]

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Keesler AFB, MS on 7 Oct 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 2 Jun 83. Enlmt Age: 17 4/12. Disch Age: 19 4/12. Educ: HS DIPL. AFQT: N/A. A-71, E-61, G-48, M-43. PAFSC: 3P031 - Security Forces Apprentice. DAS: 14 Dec 01.

b. Prior Sv: (1) AFRes 31 Oct 00 - 6 Jun 01 (7 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 7 Jun 01 for 6 yrs. Svd: 1 Yrs 4 Mo 1 Das, all AMS.

b. Grade Status: AB - 3 Sep 02 (Article 15, 3 Sep 02)
Amn - 22 Jan 02 (Vacation of Article 15, 21 Feb 02)

c. Time Lost: None.

d. Art 15's: (1) 3 Sep 02, Kunsan AB, Korea - Article 134. You, did, on divers occasions, between on or about 4 May 02 and on or about 4 Jun 02, make and utter to the Army and Air Force Exchange Service (AAFES), certain drafts, of a total amount of \$1,331.32, for the procurement of lawful currency, and did thereafter dishonorably fail to maintain sufficient funds in the Hancock Bank for payment of such drafts in full upon their presentment for payment. Reduction to Airman Basic, and 30 days extra duty. (No appeal) (No mitigation)

(2) 21 Feb 02, Vacation, Kunsan AB, Korea - Article 86. You did, on or about 26 Jan 02, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 27 Jan 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(3) 22 Jan 02, Kunsan AB, Korea - Article 113. You, on or about 10 Jan 02, while on post as a sentinal, at D-2B, were found sleeping upon your post. Suspended reduction to Airman, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 12 AUG 02 - Financial irresponsibility.
LOR, 04 JUN 02 - Reporting to duty unshaven.
LOR, 04 JUN 02 - Provoking speeches and gestures and
indecent language.
LOC, 14 JAN 02 - Failure to go and lying.

f. CM: None.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (7) Das
TAMS: (1) Yrs (4) Mos (1) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Mar 2004.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority
for Discharge)

Issue 1: I request an upgrade for my DD Form 214 so that I may join the
United States Army.

ATCH
None.

23APR04/ia



FD 2004-00115

**DEPARTMENT OF THE AIR FORCE
8TH SECURITY FORCES SQUADRON (PACAF)
APO AP 96264-2105**

MEMORANDUM FOR AB [REDACTED] 8 SFS

FROM: 8 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for my action is AFPD 36-32 and AFI 36-3208, paragraph 5.49, Minor Disciplinary Infractions. I recommend an Under Honorable Conditions (General) discharge. The specific reasons for the proposed discharge and acts or conditions on which the recommendation is based are contained in Attachment 2.

2. My reason for this action is:

a. On or about 9 Jan 02, you failed to report to your appointed place of duty and then made a false statement to an NCO when questioned. As a result, you received a Letter of Counseling (LOC), dated 14 Jan 02.

b. On or about 10 Jan 02, while posted as a sentinel, you were found sleeping upon your post. As a result, you received an Article 15, dated 22 Jan 02. Your punishment consisted of a suspended reduction in rank to Airman and a reprimand. Additionally, an Unfavorable Information File (UIF) was created.

c. Between on or about 26 Jan 02 and on or about 27 Jan 02, on two separate occasions, you failed to go to your appointed place of duty at the time prescribed. As a result, the suspended reduction in rank to Airman, from the Article 15 dated 22 Jan 02, was vacated on 21 Feb 02.

d. On or about 15 May 02, you wrote a check in the amount \$36.84 to the Kunsan AB Commissary, which was later returned because you had insufficient funds in your bank account to cover the transaction. As a result, you received a LOR, dated 12 Aug 02, which was file in your existing UIF.

e. On or about 16 May 02, you reported to work with an excessive amount of facial hair. As a result, you received a LOR, dated 4 Jun 02, which was filed in your existing UIF.

f. On or about 16 May 02, on several occasions, you used provoking speeches and gestures and indecent language towards SrA [REDACTED] when he gave you instructions. As a result, you received a LOR, dated 4 Jun 02, which was filed in your existing UIF.

g. Between on or about 2 May 02 and 4 Jun 02, you wrote ten separate checks in the total amount of \$1,331.32, for the procurement of lawful currency, and thereafter dishonorably failed to maintain sufficient funds in Hancock Bank for payment of the checks upon presentment for payment. As a result, you received an Article 15, dated 3 Sep 02, which was filed in your existing UIF. Your punishment consisted of reduction to the rank of Airman Basic and 30 days extra duty.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force, and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You are scheduled for an appointment on with the ADC, Capt [REDACTED], at Building 301 on 25 Sep at new. 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 30 Sep 02 (3 duty days) 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 are scheduled for a medical examination with Physical Exams on 25 Sep, 2002 at 1640. Report 30 minutes prior to your appointment to Physical Exams to complete a SF 88. Ensure that you complete this form prior to your appointment. Complete all follow up appointments.
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 your unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
[REDACTED]
[REDACTED] Lt Col, USAF
Commander

Attachments:

1. Article 15, dated 3 Sep 02
2. LOR, dated 4 Jun 02
3. LOR, dated 4 Jun 02
4. LOR, dated 12 Aug 02
5. Vacation Action, dated 21 Feb 02
6. Article 15, dated 22 Jan 02
7. LOC, dated 14 Jan 02