

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE A1C	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	UO/HC	OTHER	DENY
████████████████████					X
████████████████████					X
████████████████████					X
████████████████████					X
████████████████████					X

ISSUES A94.05	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 29 Jun 2004	CASE NUMBER FD-2004-00130	
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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

SIGNATURE OF RECORDER ████████████████████	SIGNATURE OF BOARD PRESIDENT ████████████████████
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INDORSEMENT		DATE: 6/29/2004
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-2004-00130

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 because of outsourcing, company closing and reduced income from his job, he would like to receive the G.I. Bill benefits. The records indicated the applicant received an Article 15, five Letters of Reprimand, a Letter of Counseling, and a Vacation action under the UCMJ. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his 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 his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement that he understood he 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

[REDACTED]
[REDACTED]

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Pope AFB, NC on 21 Jun 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Dec 58. Enlmt Age: 27 1/12. Disch Age: 32 6/12. Educ: HS DIPL. AFQT: N/A. A-79, E-62, G-88, M-30. PAFSC: 90650 - Medical Administrative Specialist. DAS: 22 Dec 86.

b. Prior Sv: (1) AFRes 22 Jan 86 - 14 Aug 96 (6 months 24 days) (Inactive).
(2) Enlisted as A1C 15 Aug 86 for 4 yrs. Svd: 3 yrs 5 months 9 days, all AMS. SRA - 15 DEC 88. SGT - Unknown. APRs: 9,9. EPRs: 4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as Sgt 25 Jan 90 for 6 yrs. Svd: 4 Yrs 10 Mo 7 Das, all AMS.

b. Grade Status: A1C - 19 Feb 91 (Vacation of Article 15, 10 Jan 91)
SrA - 8 Jan 91 (NCO Status Vacated)

c. Time Lost: None.

d. Art 15's: (1) 10 Jun 91, Vacation, Pope AFB, NC - Article 121. You did, on or about 10 May 90 thru 20 Feb 91, wrongfully appropriate Basic Allowance of Subsistence (BAS), of a value of about \$1,677.36, the property of the United States Air Force. Reduction to A1C. (No appeal) (No mitigation)

(2) 19 Feb 91, Pope AFB, NC - Article 92. You, knowing of your duties at Pope AFB, NC, on or about 4 Feb 91, were derelict in the performance of those duties in that you, by culpable inefficiency, failed to perform properly as Customer Account Representative, as it was your duty to do, by failing to verify requests for new forms with the appropriate indexes, improperly reducing PFE manual requirements, and mixing forms request with publications requests. Suspended reduction to A1C, and forfeiture of \$50.00 per month for one month. (No appeal) (No mitigation)

e. Additional: LOR, 08 JAN 91 - Dereliction of duty.
LOR, 02 JAN 91 - Failure to obey a lawful order

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LOR, 24 OCT 90 - Failure to obey a lawful order
LOR, 18 SEP 90 - Dereliction of duty.
LOC, 09 MAY 90 - Unsatisfactory Performance.

f. CM: None.

g. Record of SV: 1 Feb 90 - 9 Jan 91 Pope AFB 2 (Cmdr Dir)REF

h. Awards & Decs: AFTR, NCOPMER, AFLSAR, NDSM, AFOUA W/1 OLC, EMB.

i. Stmt of Sv: TMS: (5) Yrs (5) Mos (0) Das
TAMS: (4) Yrs (10) Mos (7) Das

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

Issue 1: Due to outsourcing, company closing, reduced income Chapter 7 Bankruptcy processing/researching alternatives would like upgrade since my educational benefits to Montgomery G.I. Bill as participant I paid into while on Active Duty service. Thank you.

ATCH

1. U.S. Senate Correspondence.

6MAP04/ia



DEPARTMENT OF THE AIR FORCE

UNITED STATES AIR FORCE CLINIC, POPE (MAC)
POPE AIR FORCE BASE, NORTH CAROLINA 28308-5300

ATTN OF: SGQ

12 Jun 91

SUBJECT: Notification Letter

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for misconduct (minor disciplinary infractions). The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 9 May 90 it was discovered that you had made several errors in your management of the unit forms and publications program for which you received a letter of counseling from your supervisor.

b. On 19 Sep 90 you failed an inspection of the unit publications file and received a letter of reprimand from your supervisor.

c. On 22 Sep 90 you were apprehended by the Cumberland County Sheriff's Department for driving while intoxicated, speeding to elude arrest, failure to stop for blue lights, and assault with a deadly weapon. You received a letter of reprimand from the squadron section commander and an unfavorable information file was established. You were convicted of impaired driving in civil court on 22 Jan 91 in relation to this incident. You received a sentence of imprisonment for 90 days in the North Carolina Department of Correction (which was suspended and you were given one year of unsupervised probation), were fined \$250.00, and required to complete 48 hours of community service. A copy of this conviction was added to your unfavorable information file.

d. On 22 Oct 90 you failed to accomplish specific tasks as directed by your supervisor and received a letter of reprimand from the squadron section commander.

e. On 30 Oct 90 you attempted to mail a personal package using official mail procedures; and disobeyed a lawful order from the first sergeant to turn in your AF Form 2293, USAF Motor Vehicle Operator Identification Card on 17 Dec 90. You received two letters of reprimand from the squadron section commander for these offenses on 2 Jan 91. Both items were added to your existing UIF; and you were placed on the control roster for six months on 7 Jan 91 for continued substandard duty performance.

f. On 3 Jan 91 you failed to carry out your assigned duties, and received a letter of reprimand from the squadron section commander. This also was placed in your UIF, and your noncommissioned officer status was

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vacated.

g. On 4 Feb 91 you were derelict in the performance of your duties, and received punishment under Article 15, Uniform Code of Military Justice (UCMJ) on 19 Feb 91.

i. From 9 May 90 to 20 Feb 91 you received basic allowance for subsistence and had a meal card. On 10 Jun 91 the suspended punishment under the 19 Feb 91 Article 15 was vacated, and you were reduced to the grade of A1C for violating Article 121, UCMJ, Larceny and wrongful appropriation.

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

3. You have the right to counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] at Bldg 344 on 13 Jun 91 at 0900 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 20 Jun 91 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 have been scheduled for a medical examination. You must report to Bldg 305, Physical Examinations Section, at 0715 on 14 Jun 91 for the examination.

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 Bldg 305, Orderly Room.

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

[REDACTED]
[REDACTED], USAF, MSC
Commander, Medical Squadron Section

12 Atch:

1. LOC, dtd 9 May 90
2. LOR, dtd 19 Sep 90
3. LOR, dtd 25 Sep 90
4. Record of civilian conviction
dtd 22 Jan 91
5. LOR, dtd 24 Oct 90
6. LOR, dtd 2 Jan 91
7. LOR, dtd 2 Jan 91
8. LOR, dtd 8 Jan 91

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9. AF Form 418, dtd 8 Jan 91
10. AF Form 3070, dtd 19 Feb 91
11. AF Form 366, dtd 10 Jun 91
12. Airman's receipt of notification letter