

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
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	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 15 Sep 2004	CASE NUMBER FD-2004-00150	
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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: 9/17/2004
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-2004-00150

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.

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.

ISSUES. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received two Articles 15, and one traffic ticket. His offenses included speeding on base, abusing his government travel card, and making a false official statement. At the time of the discharge, member consulted counsel and requested to be retained, or in the alternative, to be given an honorable discharge. In response to each of the Article 15s, member admitted his wrong-doing and apologized for his behavior. At the time of the discharge, he further asserted that his offenses did not rise to the severity of warranting a discharge. The discharge authority did not agree. The DRB opined that through the unit's administrative actions, the applicant had the opportunity to change his negative behavior but failed to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members, and the characterization of the discharge received by the applicant was thus appropriate.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Seymour Johnson AFB, NC on 31 Oct 94 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 30 Mar 68. Enlmt Age: 21 0/12. Disch Age: 26 7/12. Educ: HS DIPL. AFQT: N/A. A-21, E-50, G-41, M-78. PAFSC: 2P051 - Precision Measurement Equipment Laboratory Journeyman. DAS: 25 Nov 93.

b. Prior Sv: (1) AFRes 5 Apr 89 - 16 Nov 89 (7 months 12 days) (Inactive).

(2) Enlisted as AB 17 Nov 89 for 4 yrs. Extended 26 Oct 92 for 11 months. Svd: 3 yrs 3 months 6 days, all AMS. AMN - Unknown. A1C - 17 Mar 91. SrA - 17 Nov 92. EPRs: 5,3.

3. **SERVICE UNDER REVIEW:**

~~a. Reenlisted as SrA 24 Feb 93 for 4 yrs. Svd: 1 Yrs 8 Mo 7 Das, all AMS.~~

b. Grade Status: AB - 5 Oct 94 (Article 15, 5 Oct 94)

c. Time Lost: None.

d. Art 15's: (1) 5 Oct 94, Seymour Johnson AFB, NC - Article 92. You, having knowledge of a lawful order issued by your former commander, [REDACTED] to wit: Order to use your American Express Government Card only for official government business, dated 28 Mar 94, an order which it was your duty to obey, did, between on or about 1 Jun 94 and 15 Sep 94, fail to obey the same by wrongfully misusing the government credit card to rent an automobile for your personal use. Reduction to A1C. (No appeal) (No mitigation)

(2) 6 May 93, RAF Upper Heyford, UK - Article 107. You, did, on or about 16 Apr 93, with intent to deceive, make to [REDACTED] an official statement, to wit: that you did not see any altercation between [REDACTED] and [REDACTED], which statement was totally false, and was then known by you to be false. Forfeiture of \$100.00 pay per month for 2 months and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: Traffic Ticket, 12 Mar 94 - Speeding.
- f. CM: None.
- g. Record of SV: 1 Jun 92 - 31 May 93 RAF Upper Heyford 3 (Annual)
- h. Awards & Decs: AFOUA W/1 OLC, AFGCM, NDSM, AFOSLTR, AFLSAR, AFTR.
- i. Stmt of Sv: TMS: (5) Yrs (6) Mos (27) Das
TAMS: (4) Yrs (11) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Feb 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

29JUN04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 4TH WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2004-00150

FOR [REDACTED]

13 OCT 1994

FROM: 4 CRS/CC

SUBJECT: Notification Letter

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 my recommendation is AFR 39-10, paragraph 5-47b. 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 16 Apr 93, at RAF Upper Heyford, Oxfordshire, UK., you made false statements to [REDACTED], in reference to an altercation which took place between [REDACTED] and [REDACTED], as evidenced by an Article 15 dated 6 May 93 (atch 1a).

b. On or about 12 Mar 94, you operated a motor vehicle on base at a speed 20 miles per hour greater than the posted speed limit, as evidenced by an Armed Forces Traffic Ticket dated 12 May 94, and a Suspension of Driving Privileges letter dated 18 Apr 94 (atch 1b).

c. Between on or about 1 Jun 94 through 15 Sep 94, you disobeyed a lawful order by your former commander, [REDACTED], by using your American Express Government Card for uses other than government official business, as evidenced by an Article 15 dated 11 Oct 94, with supporting documents (atch 1c).

3. 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, duty phone 5336, on _____ at _____, in bldg 3601. 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 1800, 18 Oct 94 (3 workdays) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

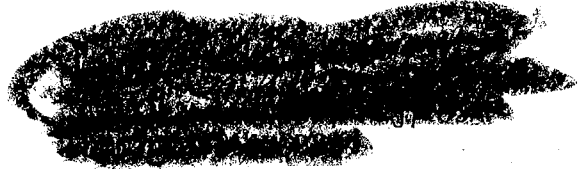
5. If you fail to consult counsel or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a mandatory medical examination. You were previously ordered to report for a medical examination at the Physical Examination Section, 4 Medical Group, Seymour Johnson AFB, at 0700 hours on 28 Sep 94.

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7. You have been scheduled for a mandatory Transition Assistance Program briefing. Report to the Family Support Center at 1330 on 11 Oct 94

8. Any personal information you furnish in rebuttal is covered by the Privacy Act, as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the Orderly Room.



Attachments:

1. Supporting documents:
 - a. Article 15, 6 May 93
 - b. Armed Forces Traffic Ticket, 12 Mar 94, and a Suspension of Drivers Privileges, 18 Apr 94
 - c. Article 15, 11 Oct 94, with supporting documents
2. Airman's Receipt of Notification