

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AB	AFSN/SSAN ████████████████			
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
						X
						X
						X
						X
ISSUES A95.00 A01.00	INDEX NUMBER A67.30	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 23 Jul 2004	CASE NUMBER FD-2004-00156					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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: 7/23/2004			
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-2004-00156

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.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant pleaded guilty to and was found guilty by a Special Court-martial for absenting himself from his unit without authority for the period of 21 July 2003 until 18 August 2003. The characterization of the discharge received by the applicant was found to be 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]
[REDACTED]

(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Sheppard AFB, TX on 7 Nov 03 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 May 83. Enlmt Age: 19 7/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-57, E-65, G-59, M-45. PAFSC: 2A313A - Tactical Aircraft Maintenance Helper. DAS: 5 May 03.

b. Prior Sv: (1) AFRes 13 Jan 03 - 17 Mar 03 (2 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Mar 03 for 6 yrs. Svd: 0 Yrs 7 Mo 21 Das, of which AMS is 0 yrs 5 months 11 days (excludes 2 months 10 days lost time).

b. Grade Status: None.

c. Time Lost: 21 Jul 03 thru 28 Sep 03 (2 months 10 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.1 - 2 Oct 03

CHARGE: Article 86. Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 21 Jul 03, without authority, absent himself from his unit, to wit: 362nd Training Squadron located at Sheppard AFB, TX, and did remain so absent until on or about 18 Aug 03. Sentence adjudged on 2 Sep 03: Confinement for 2 months and forfeiture of \$767.00 pay per month for 2 months.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (0) Yrs (9) Mos (26) Das
TAMS: (0) Yrs (5) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Apr 04.
(Change Discharge to Honorable)

FD2004-00156

NO ISSUES SUBMITTED.

ATCH
None.

3JUN04/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR [REDACTED]

OCT 28 2003

FROM: 362 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for commission of a serious offense. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph(s) 5.52.3. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reason for this action is: You did, on or about 21 Jul 03, without authority, absent yourself from your unit and remained so absent until escorted back to the unit on or about 18 Aug 03, to wit: 362d Training Squadron located at Sheppard AFB TX, and did intend to commit desertion as evidenced by the following facts:


a. You did travel to a distant location: Baltimore MD.

b. You could have conveniently surrendered to military control but did not. You were in contact with [REDACTED] and made false statements to him as to your location and your intention to turn yourself in to the local police department, which you did not do.

c. You were dissatisfied with the unit when you were denied the emergency leave requested to attend your uncle's funeral.

d. You made preparations indicative of an intent not to return in that the period of absence was lengthy: 28 days; in that you changed your physical appearance by dyeing your blonde hair to a black color; in that you were actively searching for employment in the area of Baltimore County, Maryland; and in that you had made false statements to friends that you were on vacation from the Air Force and expected to be discharged due to eye or vision problems.

For this misconduct, you were charged with violation of Article 86, AWOL, and found guilty by Special Court-Martial on 2 Sep 03. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 to reenlist in the Air Force and will probably be denied enlistment in any component of the armed forces.

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  at building 1638 on 30 Oct 03 at 11:00. 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 31 Oct 03 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 the 82d Medical Group, Bldg 1200, Physical Examinations, at 03 on 14 Oct 03
7. 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 the Commander's Support Staff Office.
8. Execute the attached acknowledgment and return it to me immediately.



Squadron Section Commander

Attachments:

1. DD Form 490 w/Article 64a, 14 Oct 03
2. Special Court-Martial Order No. 1, 2 Oct 03 w/Article 64a Review
3. AF Form 1359, 2 Sep 03
4. Stipulation of Fact, 2 Sep 03
5. AF Form 2098, 24 Jul 03
6. AF Form 2098, 19 Aug 03
7. AF Form 2098, 22 Aug 03
8. AF Form 2098, 8 Sep 03
9. AF Form 2098, 10 Oct 03
10. DD Form 2718, 29 Sep 03
11. LOC, 19 May 03
12. AETC Form 125A, 24 Sep 03
13. Student Training Report, 03043
14. LAFB Form 205, 29 Apr 03
15. Airman's Receipt of Notification Memo 