

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE A1C	AFSN/SSAN ██████████				
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
ISSUES A94.06		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 13 Dec 2004		CASE NUMBER FD-2004-00311					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
<p>Case heard at Washington, D.C.</p> <p>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</p>							
INDORSEMENT				DATE: 12/14/2004			
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-2004-00311

GENERAL: The applicant appeals for upgrade of discharge to honorable change the reason and authority for the discharge, and 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: The Board grants partial relief. The discharge is upgraded to Honorable. Change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds that neither the evidence of record nor that provided by the 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 discharge inequitable.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Letters of Reprimand, and three Letters of Counseling for various misconduct. In addition, he received seven letters concerning financial irresponsibility. Although the DRB did not condone the minor disciplinary infractions, they opined that the discharge 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 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Luke AFB, AZ on 25 Jul 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable, and Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 31 Mar 71. Enlmt Age: 17 3/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-41, E-67, G-50, M-80. PAFSC: 70330 - Apprentice Reprographic Specialist. DAS: 24 Aug 88.

b. Prior Sv: (1) AFRes 5 Jul 88 - 15 Jun 89 (11 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Jun 89 for 4 yrs. Svd: 2 Yrs 1 Mo 11 Das, all AMS.

b. Grade Status: A1C - 16 Oct 90
 AMN - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 13 MAY 91 - Failure to obey a direct order.
 CCF LTR, 06 MAY 91 - NCO Club delinquent account.
 CCF LTR, 19 FEB 91 - NCO Club delinquent account.
 LOR, 01 FEB 91 - Dereliction of duty.
 RIC, 02 NOV 90 - Failure to comply with minimum standards.
 CCF LTR, 25 OCT 90 - Failed dormitory room inspection.
 RIC, 22 OCT 90 - Failure to comply with standards.
 CCF LTR, 08 JUN 90 - NCO Club delinquent account.
 RIC, 23 MAR 90 - Failure to comply with standards.
 LTR, 20 MAR 90 - Financial irresponsibility.
 LTR, 12 MAR 90 - Financial irresponsibility.
 CCF LTR, 16 FEB 90 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 16 Jun 89 - 3 May 91 Luke AFB 1 (Initial)REF

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (21) Das
 TAMS: (2) Yrs (1) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Jul 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: My discharge was inequitable because of the reeducation (sic) in the Air Force at that time.

Issue 2: My second reason is that my current discharge is affecting my ability (sic) to compete for entry-level jobs.

Issue 3: My third reason is to be able to rejoin the armed service.

ATCH

None.

1SEP04/ia



DEPARTMENT OF THE AIR FORCE

FD 2004-00311

HEADQUARTERS 832D COMBAT SUPPORT GROUP (TAC)
LUKE AIR FORCE BASE, AZ 85309-5000

REPLY TO: 832 MSSQ/CC
ATTN OF:
SUBJECT: Notification Letter

16 JUL 1991

TO: A1C [REDACTED]

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFR 39-10, Section H, paragraph 5-46. If my recommendation for discharge is approved, your service will be characterized as Honorable, General or Under Other Than Honorable Conditions. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On or about 3 Feb 90, you wrote a check to the Luke Air Force Base Exchange in the amount of \$40.00, which was returned for insufficient funds, as evidenced by a Dishonored Check Notification letter dated 16 Feb 90.

b. On or about 30 Jan 90, you received a warning letter from the Luke Federal Credit Union for four drafts returned for insufficient funds, as evidenced by a Warning Letter dated 12 Mar 90.

c. On or about 30 Jan 90, you had 8 drafts returned for insufficient funds, as a result your account was closed, as evidenced by a Closed Draft Account letter dated 20 Mar 90.

d. On or about 23 Mar 90, you failed to be ready for mobility, as evidenced by a Letter of Counseling dated 23 Mar 90.

e. On or about 8 Jun 90, your NCO Club Account was delinquent, as evidenced by a NCO Club Delinquent Account letter dated 8 Jun 90.

f. On or about 21 Oct 90, you failed to comply with Air Force Regulation 35-10, as evidenced by a Letter of Counseling dated 22 Oct 90.

g. On or about 23 Oct 90, you failed a dormitory inspection, as evidenced by a letter from the First Sergeant dated 25 Oct 90.

h. On or about 1 Nov 90, you failed to obey several direct orders pertaining to work procedures, as evidenced by a Letter of Counseling dated 2 Nov 90.

Readiness is our Profession

i. On or about Nov 90, you failed to perform your job in a satisfactory manner, as evidenced by a Letter of Reprimand dated 1 Feb 91.

j. On or about 19 Feb 91, your NCO Club account was delinquent, as evidenced by a NCO Club Delinquent Account letter dated 19 Feb 91.

k. On or about 6 May 91, your NCO Club account was delinquent, as evidenced by a NCO Club Delinquent Account letter dated 6 May 91.

l. On or between 19 Feb 91 and 1 May 91, you violated a direct order, to wit: on or about 19 Feb 91, you were ordered not to charge to your NCO Club Account, and on or about 1 May 91, you charged various purchases to your Club Card, as evidenced by a Letter of Reprimand dated 13 May 91.

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 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 consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel at Building 1150, Suite 2076, Luke AFB, AZ., Ext 6701 on 16 July 1991 at 0930. 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 19 July 1991 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 832 AD/HOSP, Physical Exams Section at 0630 on 1 July 91 for the examination.

8. 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 your unit orderly room.

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


Commander, Maj, USAF

- 12 Atchs
1. Dishonored Check Notification Ltr dtd 16 Feb 90
 2. Warning Letter dtd 12 Mar 90
 3. Closed Draft Account ltr dtd 20 Mar 90
 4. LOC dtd 23 Mar 90
 5. NCO Club Delinquent Account ltr dtd 8 Jun 90
 6. LOC dtd 22 Oct 90
 7. Failure of Dormitory Inspection ltr dtd 25 Oct 90
 8. LOC dtd 2 Nov 90
 9. LOR dtd 1 Feb 91
 10. NCO Club Delinquent Account ltr dtd 19 Feb 91
 11. NCO Club Delinquent Account ltr dtd 8 May 91
 12. LOR dtd 13 May 91