

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE AB	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>	
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW	
NAME OF COUNSEL AND OR ORGANIZATION <div style="background-color: black; width: 100%; height: 1.2em;"></div>		ADDRESS AND OR ORGANIZATION OF COUNSEL <div style="background-color: black; width: 100%; height: 1.2em;"></div>		
YES	NO			
X				
MEMBER SITTING		EXHIBITS SUBMITTED TO THE BOARD		
		HON	GEN	UOTHC
				OTHER
				DENY
				X
				X
				X
				X
				X
ISSUES A92.35 A92.21		INDEX NUMBER A67.90		<div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div>
HEARING DATE 16 Dec 2004		CASE NUMBER FD-2004-00347		<div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div> <div style="background-color: black; width: 100%; height: 1.2em;"></div>

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.

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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-2004-00347

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was based on one isolated incident. The records indicated the applicant received two Articles 15, a Letter of Reprimand, a Letter of Counseling, and had an Unfavorable Information File for misconduct. His infractions included missing an appointment, stealing funds from the base credit union through a false deposit and withdrawal scheme, writing two bad checks, and failure to go. His misconduct occurred over a 13-month period and was well documented. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior and was unable or unwilling 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 was appropriate.

Issue 2. Applicant now comes noting the adverse result his discharge has had on his ability to obtain post-service employment. Applicant also infers that he should not be penalized indefinitely for a mistake he made 10 years ago. The Board concluded member's misconduct was a particularly serious failure to meet Air Force standards and was sufficient reason for receiving a general discharge. No inequity or impropriety in his discharge was found in the course of the record review.

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

(Former AB) (HGH AMN)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Travis AFB, CA on 15 Sep 95 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Jun 74. Enlmt Age: 19 2/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-46, E-60, G-44, M-74. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 6 May 94.

b. Prior Sv: (1) AFRes 13 Aug 93 - 31 Jan 94 (5 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Feb 94 Svd: 1 Yrs 7 Mo 15 Das, all AMS.

b. Grade Status: AB - 21 Feb 95 (Article 15, 21 Feb 95)
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 15 Aug 95, Travis AFB, CA - Article 86. You did, on or about 2 Aug 95, without authority, fail to go at the time prescribed to your appointed place of duty. Article 86. You did, on or about 8 Aug 95, without authority, fail to go at the time prescribed to your appointed place of duty. Twenty days extra duty. (No appeal) (No mitigation)

(2) 21 Feb 95, Travis AFB, CA - Article 121. You, did, on or about 4 Jan 95, steal \$745.75, the property of Travis Federal Credit Union. Reduction to AB, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 05 JUN 95 - Financial irresponsibility.
LOC, 10 AUG 94 - Missed appointment.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (3) Das

TAMS: (1) Yrs (7) Mos (15) Das

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

Issue 1: I would like my discharge upgraded. Because although based on one isolated incident I believe that after 10 years the discharge should be upgraded. It has affected my ability to get certain jobs because companies do not know how to categorize general discharges. I also feel in 10 years I have learned from my mistakes. Thank you.

ATCH

None.

4OCT04/ia

FD 2004-00347

DEPARTMENT OF THE AIR FORCE
60TH AERIAL PORT SQUADRON (AMC)



25 Aug 95

MEMORANDUM FOR [REDACTED]

FROM: 60 APS/CC
90 Ragsdale Road
Travis AFB CA 94535-2941

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation 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 2 Aug 95 and on or about 8 Aug 95, you failed to go to your appointed place of duty at the prescribed time, to wit: Bldg 977, for which you received an Article 15 dated 15 Aug 95 with punishment of 20 days extra duty.
 - b. On or about 9 May 95, you wrote two nonsufficient funds checks to Central in the amounts of \$41.61 and \$57.00, resulting in a letter of reprimand (LOR) dated 5 Jun 95.
 - c. On or about 4 Jan 95, you stole \$745.75, the property of the Travis Federal Credit Union, for which you received an Article 15 dated 21 Feb 95. Punishment consisted of reduction to the grade of airman basic and 15 days extra duty and establishment of an unfavorable information file (UIF).
 - d. On or about 27 Jul 94, you failed to go to a scheduled dental appointment, resulting in a letter of counseling (LOC) dated 10 Aug 94.
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 you are 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 [REDACTED] Area Defense Counsel (424-4569/2065), Bldg. 163, Travis AFB, on 25 AUGUST 1995 at 1000 hours. 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 (three workdays from service of this letter) 30 Aug 95, no later than 1000 hours 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 physical examination at the Physical Exams Section, DGMC, on 28 August 1995, at 0800 hours.

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 the orderly room.

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

[REDACTED]

Attachments:

1. Article 15, 15 Aug 95 w/4 Atchs
2. Article 15/UIF, 4 Feb 95 w/1 Atch
3. LOR, 5 Jun 95 w/3 Atchs
4. LOC, 10 Aug 94 w/2 Atchs
5. Other Derogatory Data:
 - a. Nonrecommendation for Promotion Ltr, 21 Jul 95
 - b. Request for SSF Ltr, 24 Mar 95