

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

N TIAL)		GRADE AFSN/SSAN				
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL YES      No X		NAME OF COUNSEL AND OR ORGANIZATION  ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES      A92.21 A93.11  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			
HEARING DATE 10 Mar 2005		CASE NUMBER FD-2004-00448				
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.  Names and votes will be made available to the applicant at the applicant's request.						
INDORSEMENT		DATE: 3/10/2005				
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

FD-2004-00448

**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:**

Issue 1. Applicant contends his ability to serve was impaired by his financial situation. The records indicated the applicant received general discharge for misconduct--minor disciplinary infractions. Member received an Article 15 and five Letters of Reprimand. His misconduct included being absent with authority, deception and financial irresponsibility, failure to follow orders and lying, late for work on multiple occasions, civil arrest for driving under the influence, and falsifying an official government document. 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.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

**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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Minot AFB, ND on 19 Feb 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Dec 82. Enlmt Age: 19 9/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-39, E-39, G-50, M-33. PAFSC: 3P031 - Security Forces Apprentice. DAS: 28 Jul 03.

b. Prior Sv: (1) AFRes 13 Sep 02 - 10 Mar 03 (5 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Mar 03 for 6 yrs. Svd: 0 Yrs 11 Mo 9 Das, all AMS.

b. Grade Status: Amn - 15 Dec 03 (Article 15, 15 Dec 03)  
A1C - 25 Apr 03

c. Time Lost: None.

d. Art 15's: (1) 15 Dec 03, Minot AFB, ND - Article 86. You did, on or about 12 Nov 03, without authority, absent yourself from your unit at which you were required to be, and did remain so absent until on or about 13 Nov 03. Reduction to Airman, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 09 JAN 04 - Deception and financial irresponsibility.  
LOR, 11 DEC 03 - Failure to follow orders and lying.  
LOR, 02 DEC 03 - Late for work.  
LOR, 18 NOV 03 - Civil arrest for DUI.  
LOR, 01 OCT 03 - Falsifying an official gov't document.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (5) Mos (7) Das  
TAMS: (0) Yrs (11) Mos (9) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 4 Nov 04.

• (Change Discharge to Honorable)

Issue 1: My Article 15 indicates only isolated offenses. I have been a good citizen since my discharge. My ability to serve was impaired by my finicial (sic) situation.

Issue 2: Since coming home I have recieved (sic) a loan that has paid all my bills from my parents. I am working hard to pay back my parents. I have worked at Home Depot, American Custom Yachtes. I am now employed by Martin County Fire Rescue. I am working in the mechanics shop. I am also a Volunteer fire fighter with Martin County.

ATCH

None.

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DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 5 BOMB WING (ACC)  
MINOT AIR FORCE BASE, NORTH DAKOTA

FD 2004-00448

JAN 20 2004

MEMORANDUM FOR AMN [REDACTED]

FROM: 5 SFS/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.49.

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, 14 Jul 93, and AFI 36-3208, *Administrative Separation of Airmen*, 28 May 03, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On 9 Jan 04, [REDACTED] 5 SFS/SFMQF, was informed by [REDACTED] that you had still not paid him for the damage you caused to his vehicle. A month earlier, on 11 Dec 03, you received a Letter of Reprimand (LOR) for failing to pay [REDACTED] for the damage you caused to his vehicle and had agreed to pay. In that instance, you gave him your credit card to pay for the damages. When [REDACTED] attempted to use the card, payment was declined. At that time, you told [REDACTED] you would clear the problem with the credit card company and make amends with [REDACTED]. You received an LOR on 9 Jan 04.

b. You did, on or about 12 Nov 03, without authority, absent yourself from your unit at which you were required to be, to wit: Building 547, 5<sup>th</sup> Security Forces Squadron, located at Minot Air Force Base, North Dakota, and did remain so absent until on or about 13 Nov 03. You were punished under Article 15 of the UCMJ on 18 Dec 03.

c. On 2 Dec 03, you reported 30 minutes late for duty because you had overslept. You received an LOR on 2 Dec 03.

d. On 20 Oct 03, in a Canadian court, you pled guilty to driving under the influence of alcohol. The court sentenced you a one year driving prohibition and a \$1000 fine. You received an LOR on 18 Nov 03, an Unfavorable Information File was established, and you were placed on a Control Roster.

e. On or about 30 Sep 03, you fraudulently signed the names of two fellow flight members who were absent to a mandatory commander's call. You received an LOR on 1 Oct 03.

3. The Letter of Notification with attachments will be forwarded to the separation authority in support of this recommendation. The commander exercising SPCM jurisdiction (5 BW/CC) 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] at the Area Defense Counsel Office, Bldg 475, Room 306A, on 21 Jan, 2004 at 0900 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 0940 hours on 23 Jan 2004, unless you request and receive an extension for good cause shown. I will send any statements you provide 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 the 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND, at 1000 hours on 22 Jan 2004, for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.

8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.

9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.



Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. Letter of Reprimand, 9 Jan 04
4. AF FM 3070, Record of Nonjudicial Punishment Proceedings, 23 Dec 03
5. Letter of Reprimand, 11 Dec 03
6. Letter of Reprimand, 2 Dec 03
7. AF Form 1058, Unfavorable Information File, 4 Dec 03
8. Letter of Reprimand, 18 Nov 03
9. Notice of Civilian Conviction, 7 Jan 04
9. Letter of Reprimand, 1 Oct 03