

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██	GRADE AB	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	UO/HC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A94.05	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	CASE NUMBER
21 Jul 2005	FD-2005-00027

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.

Names and votes will be made available to the applicant at the applicant's request.

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INDORSEMENT	DATE: 7/21/2005
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00027

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for larceny and forgery. 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.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Keesler AFB, MS on 7 Jan 05 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 May 85. Enlmt Age: 17 10/12. Disch Age: 19 7/12. Educ: HS DIPL. AFQT: N/A. A-89, E-55, G-53, M-34. PAFSC: 4N031 - Aerospace Medical Service Apprentice. DAS: 8 Jun 04.

b. Prior Sv: (1) AFRes 26 Mar 03 - 6 Oct 03 (6 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Oct 02 for 6 yrs. Svd: 1 Yrs 3 Mo 1 Das, all AMS.

b. Grade Status: AB - 27 Oct 04 (Article 15, 27 Oct 04)
A1C - 5 Dec 03

c. Time Lost: None.

d. Art 15's: (1) 27 Oct 04, Keesler AFB, MS - Article 121. You, did, at or near Mississippi and Florida, on divers occasions, between on or about 29 Jul 04 and on or about 6 Aug 04, steal goods of a total value of about \$432.00, the property of USAA, located in San Antonio, Texas. Article 123. You, did, at or near Biloxi, Mississippi, on divers occasions from on or about 29 Jul 04 to on or about 3 Aug 04, with intent to defraud, falsely make the signature of [REDACTED] to certain USAA Master debt/credit card transactions in the following words and figures, to wit: 29 Jul 04, \$13.01 paid to the Army and Air Force Exchange Service, 1 Aug 04, \$35.77 paid to Wal-Mart, 3 Aug 04, \$185.00 paid to Wal-Mart, and 3 Aug 04, \$35.00 paid to Perfect Nails & Tan, which said writings would, if genuine, apparently operate to the legal harm of another. Reduction to AB, forfeiture of \$596.00 pay per month for two months, 45 days restriction, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (13) Das
TAMS: (1) Yrs (3) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Jan 05.
(Change Discharge to Honorable)

Issue 1: The discharge was inequitable because it was based on one isolated incident in 15 months of service with no prior trouble or bad conduct.

ATCH

1. Four Letters of Support.

2MAR05/ia



DEPARTMENT OF THE AIR FORCE
81ST MEDICAL OPERATIONS SQUADRON
KEESLER AFB, MISSISSIPPI 39534

FD 2005-80027

7 Dec 04

MEMORANDUM FOR [REDACTED]

FROM: 81 MDOS/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, chapter 5, paragraph 5.52.3. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are on 26 Oct 04, you received nonjudicial punishment for the following offenses:

i. You did, at or near Mississippi and Florida, on divers occasions, between on or about 29 Jul 04, and on or about 6 Aug 04, steal goods of a total value of about \$432.00, the property of USAA, located in San Antonio, Texas. (Atch 1, Appendix A w/atchs)

ii. You did, at or near Biloxi, Mississippi, on divers occasions from on or about 29 Jul 04 to about 3 Aug 04, with intent to defraud, falsely make the signature of [REDACTED] to certain USAA Master debit/credit card transactions in the following words and figures to wit:

<u>Date</u>	<u>Amount</u>	<u>Paid To</u>
29 Jul 04	\$13.01	Army and Air Force Exchange Service
1 Aug 04	\$35.77	Wal-Mart
3 Aug 04	\$185.00	Wal-Mart
3 Aug 04	\$35.00	Perfect Nails and Tan

Which said writing, would, if genuine, apparently operate to the legal harm of another.

For these infractions, your punishment consisted of: Reduction to the grade of Airman Basic, with a new dated of rank 27 Oct 04; forfeiture of \$596.00 pay per month for two months; restriction to the limits of Keesler AFB for 45 days, 45 days extra duty, and a Reprimand.

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 United States 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 and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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, on 10 Dec 04, at 0900 hours. The office is located in Bldg 0701, (Sablich Center), Room 243. The office telephone number is 377-2429. 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 1500 10 Dec 04 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 Family Practice Clinic on 8 Dec 04, at 1020 hours for the examination.

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 at <http://www.e-publishing.af.mil/pubfiles/af/36/afi36-3208/afi36-3208.pdf> or unit orderly room.

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



Attachments:

1. Supporting Documents- AF Form 3070, dated 26 Oct 04 w/atchs
2. Receipt of Notification Memorandum