

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

(L)

|                 |  |                            |          |                      |
|-----------------|--|----------------------------|----------|----------------------|
| <b>TYPE GEN</b> |  | <b>PERSONAL APPEARANCE</b> | <b>X</b> | <b>RECORD REVIEW</b> |
|-----------------|--|----------------------------|----------|----------------------|

|                |  |   |
|----------------|--|---|
| <b>COUNSEL</b> | <b>NAME OF COUNSEL AND OR ORGANIZATION</b> | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> |
| YES            | No   |   |
|                | <b>X</b>                                   |   |

| MEMBER SITTING | VOTE OF THE BOARD |     |       |       |      |
|----------------|-------------------|-----|-------|-------|------|
|                | HON               | GEN | UOTHC | OTHER | DENY |
|                | X                 |     |       |       |      |
|                | X                 |     |       |       |      |
|                | X                 |     |       |       |      |
|                | X                 |     |       |       |      |
|                | X                 |     |       |       |      |

|               |                  |                     |        |  |
|---------------|------------------|---------------------|--------|--|
| <b>ISSUES</b> | A94.06<br>A02.12 | <b>INDEX NUMBER</b> | A67.50 | <b>EXHIBITS SUBMITTED TO THE BOARD</b>                       |
|               |                  |                     |        | 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                        |

|                     |             |                    |               |
|---------------------|-------------|--------------------|---------------|
| <b>HEARING DATE</b> | 10 May 2005 | <b>CASE NUMBER</b> | FD-2005-00031 |
|---------------------|-------------|--------------------|---------------|

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.

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

SIGNATURE OF BOARD PRESIDENT

**INDORSEMENT**

**DATE: 5/12/2005**

**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**

CASE NUMBER

FD-2005-00031

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered and scheduled a personal appearance before the Discharge Review Board (DRB) but cancelled the day before the scheduled hearing and his case was considered as a records review.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** The discharge is upgraded to honorable.

The Board finds that the evidence of record substantiates an 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 two Articles 15, one Letter of Reprimand, and one Vacation action for misconduct including off duty alcohol related incidents, misuse of the government travel card, and failure to go. The DRB noted that although the applicant had served six years total service before the discharge was initiated and was therefore entitled to request an administrative discharge board, the records clearly indicated he was not given that opportunity. Although the Board noted that the misconduct was a significant departure from conduct expected of all military members, it noted mitigating factors in the record that raised substantial doubt that the discharge would have remained the same if the error had not been made.

**CONCLUSIONS:** The Discharge Review Board concludes that a substantial error in the applicant's discharge occurred and that the facts of the case warrant an upgrade of discharge to honorable. The applicant's characterization of service should be changed to honorable 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 SRA)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Malmstrom AFB, MT on 22 Oct 97 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

**2. BACKGROUND:**

a. DOB: 8 Mar 74. Enlmt Age: 17 5/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-70, E-67, G-68, M-28. PAFSC: 3M051 - Services Journeyman. DAS: 1 Feb 97.

b. Prior Sv: (1) AFRes 26 Aug 91 - 9 Jul 92 (10 months 14 days)(Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Jul 92 for 4 yrs. Extended 19 Sep 95 for 11 months. Extended 12 Apr 96 for 12 months. Svd: 5 Yrs 3 Mo 13 Das, all AMS.

b. Grade Status: A1C - 3 Apr 97 (Vacation of Article 15, 5 Sep 97)  
SrA - 10 Jul 95  
A1C - 10 Nov 93  
Amn - 10 Jan 93

c. Time Lost: None.

- d. Art 15's: (1) 5 Sep 97, Vacation, Malmstrom AFB, MT - Article 86. You did, on or about 31 Aug 97, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)
- (2) 3 Apr 97, Malmstrom AFB, MT - Article 92. You did, at or near North and South America, on divers occasions, between on or about 3 Dec 96 and on or about 21 Feb 97, fail to obey a lawful general regulation, to wit: AFI 65-104, Para 25.1, dated 1 May 96, by wrongfully using your Government issued American Express Card for personal use in the amount of approximately \$6,123.39. Suspended reduction to A1C. Thirty days correctional custody (Suspended). Ten days extra duty. (No appeal) (No mitigation)
- (3) 14 Nov 96, Howard AFB, Panama - Article 109. You did, at Fort Clayton, Panama, on or about 19 Oct 96, willfully and wrongfully destroy by breaking, 3 drinking glasses, of a value of about \$3.40, the property of the

Fort Clayton Noncommissioned Officers Club. You were, at Fort Clayton, Panama, on or about 19 Oct 96, drunk and disorderly. Suspended reduction to A1C. Ten days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 14 MAR 97 - Driving while intoxicated.
- f. CM: None.
- g. Record of SV: 10 Jul 92 - 09 Mar 94 Gila Bend AF Aux Fld 4 (Initial)  
 10 Mar 94 - 28 Jun 95 Howard AFB 4 (Annual)  
 29 Jun 95 - 28 Jun 96 Howard AFB 3 (Annual)  
 29 Jun 96 - 28 Jun 97 Malmstrom AFB 2 (Annual)REF
- h. Awards & Decs: AFAM, AFLSAR, AFTR, AFOSLTR, NDSM, AFGCM.
- i. Stmt of Sv: TMS: (6) Yrs (1) Mos (27) Das  
 TAMS: (5) Yrs (3) Mos (13) Das

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

Issue 1: I completed my first term of service 07-10-92 to 07-10-97 with no incident and at the time of my extension due to retraining for a new job opportunity with the Air Force certain financial issues and two bad decisions on my part concerning alcohol occurred. I therefore feel even with those mistakes my term of service should be considered honorable.

**ATCH**

None.

8MAR05/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 341ST MISSILE WING (AFSPC)

FD 2005-00031



MEMORANDUM FOR 12 MS

22 SEP 1997

ATTN: [REDACTED]

FROM: 12 MS/CC

SUBJECT: Notification Memorandum - [REDACTED]

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, Section H, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as 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 19 Oct 96, you willfully and wrongfully destroyed property of the Fort Clayton Noncommissioned Officers Club and you were drunk and disorderly. For this misconduct you received an Article 15 on 14 Nov 96 which included reduction to the grade of airman first class, suspended until 14 May 97, after which time it will be remitted without further action unless sooner vacated and 10 days extra duty. This action generated an Unfavorable Information File (UIF) and this action was placed in it.
  - b. On or about 24 Jan 97, you were found to be driving while intoxicated while operating a rental vehicle in North Carolina. For this misconduct you received a Letter of Reprimand on 19 Mar 97. This letter was placed in your existing UIF.
  - c. Between on or about 3 Dec 96 and on or about 21 Feb 97, you failed to obey a lawful general regulation by wrongfully using your Government issued American Express Card for personal use in the amount of approximately \$6,123.39. For this misconduct you received a reduction to the grade of airman first class, suspended until 2 Oct 97 after which time it will be remitted without further action unless sooner vacated. 30 days correctional custody, suspended until 2 Oct 97 after which time it will be remitted without further action unless sooner vacated and 10 days extra duty. This action was placed in your existing UIF.
  - d. On or about 31 Aug 97, you failed to go at the time prescribed to your appointed place of duty. For this misconduct you received a vacation of suspended nonjudicial punishment on 10 Sep 97 which included reduction to the grade of airman first class with a new date of rank of 3 Apr 97.

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. 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.

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, 7015 Goddard Drive, Bldg 145, Room 144 on 23 SEP 1997 at 0900. 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 25 SEP 1997 unless you request and receive an extension for good cause shown. I will send all submitted statements 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 must receive a medical examination. You are scheduled for a medical examination at the 341st Medical Group Physical Examination Section on 23 SEP 1997 at 0730 hours. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, Atch 6. A copy of AFI 36-3208 is available for your use at your Orderly Room.

  
t Col, USAF  
Commander

Attachments:

1. Supporting document:
  - a. Article 15, 14 Nov 96
  - b. LOR, 14 Mar 97
  - c. Article 15, 3 Apr 97
  - d. Vacation Action, 10 Sep 97
2. Airman's Receipt of Notification Memorandum