

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)

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	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A93.09	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	CASE NUMBER	
21 Jul 2005	FD-2005-00034	

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.

<small>SIGNATURE OF RECORDER</small>	<small>SIGNATURE OF BOARD PRESIDENT</small>

INDORSEMENT		DATE: 7/21/2005
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-2005-00034

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 does not contest his discharge. He states that he wants an upgrade in order to be eligible for a government job. The records indicated the applicant received an Article 15 for stealing over 44 liters of gas. In addition, he received four Letters of Reprimand and one Letter of Counseling for being late for duty, failed to shave, failed to go and for assaulting his roommate. 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.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr McGuire AFB, NJ on 28 Sep 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Aug 78. Enlmt Age: 17 11/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-57, E-48, G-37, M-35. PAFSC: 8M000 - Postal Specialist. DAS: 4 Apr 98.

b. Prior Sv: (1) AFRes 23 Jul 96 - 12 Nov 96 (3 months 21 days) (Inactive).

(2) Enlisted as AB 13 Nov 96 for 4 years. Extended 2 Jun 99 for 5 months. SVD: 03 Yrs 07 Mo 03 Das, all AMS. Amn - 13 May 97, A1C - 13 Mar 98, SrA 13 Nov 99. EPR: 5,3,4 (Referral),3 (Referral).

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 16 Jun 00 for 4 years. Svd: 01 Yrs 03 Mo 13 Das, all AMS.

b. Grade Status: A1C - 21 Jul 00 (Article 15, 21 Jul 00)

c. Time Lost: None.

d. Art 15's: (1) 21 Jul 00, Rhein Main AFB, Germany, Article 121. You did, at or near Marburger Strasse 229, 35396 Giessen, on or about 8 Jun 00, steal approximately 44.84 liter of gas, of a value of about DM 94,10, the property of Aral Gas Station. Reduction to A1C and restriction to Base for 14 days. (No appeal) (No mitigation)

e. Additional: LOR, 25 JUL 01 - Assaulted Roommate.
LOR, 29 MAY 01 - Failed to Go.
LOR, 30 APR 01 - Late to Duty.
LOR, 30 APR 01 - Failed to Maintain Shaving Standards.
LOC, 06 APR 01 - Late for Duty.

f. CM: None.

g. Record of SV: 03 Aug 00 - 04 May 01 Rhein Main AB 3 (Cmdr Dir) REF

h. Awards & Decs: AFAM, AFOUA, AFOEA W/2 BOLC, AFTR, AFLSA, AFGCM.

i. Stmt of Sv: TMS: (05) Yrs (02) Mos (05) Das
TAMS: (04) Yrs (10) Mos (14) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 19 Jan 05
(Change Discharge to Honorable.)

Issue 1: The reason for requesting an upgrade is so I can be eligible for a government job.

ATCH

1. DD Form 214.

7MAR05/day



DEPARTMENT OF THE AIR FORCE
DET 1, USAFE AIR POSTAL SQUADRON (USAFE)

MEMORANDUM FOR A1C [REDACTED]

AUG 17 2001

FROM: Det 1, USAFE AIRPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 21 Jul 00, you received Nonjudicial Punishment under Article 15, UCMJ, for the offense of larceny of gasoline (Atch 1).

b. On 6 Apr 01, you received a Record of Individual Counseling for failure to go to your place of duty at the time prescribed (Atch 2).

c. On 1 May 01, you received a Letter of Reprimand (LOR) for failure to maintain shaving standards (Atch 3).

d. On 1 May 01, you received a second LOR for failing to go to your place of duty at the time prescribed (Atch 4).

e. On 29 May 01, you received an LOR for failing to go to your appointed place of duty (Atch 5).

f. On 25 Jul 01, you received an LOR for being involved in an altercation (Atch 6).

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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made a telephonic appointment for you to consult Captain [redacted] Area Defense Counsel, 480-2182, at 0900 hours on 20 August 2001. 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 22 Aug 2001 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 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 469th Air Base Group Clinic, Physical Exam Section, at 0730 on 22 August 2001, for the examination.

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 unit orderly room.

[redacted]
Maj, USAF
Commander

Attachments:

- 1. Art 15, dated 21 Jul 00
- 2. Record of Individual Counseling, dated 6 Apr 01
- 3. LOR, dated 1 May 01
- 4. LOR, dated 1 May 01
- 5. LOR, dated 29 May 01
- 6. LOR, dated 25 Jul 01
- 7. Receipt of Notification Memorandum
- 8. Airman's Statement
- 9. Recoupment Statement