

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE <b>AB</b>	AFSN/SSAN
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	<b>X</b>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	
					X
					X
					X
					X
					X

<b>ISSUES</b> <b>A67.50</b>	<b>INDEX NUMBER</b> <b>A94.05</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
		<b>1</b>	ORDER APPOINTING THE BOARD		
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE		
		<b>3</b>	LETTER OF NOTIFICATION		
		<b>4</b>	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> <b>15 Nov 2005</b>	<b>CASE NUMBER</b> <b>FD-2005-00187</b>	
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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 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.

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT 
<b>INDORSEMENT</b>	
<b>DATE: 11/17/2005</b>	

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2005-00187**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 15 Nov 2005.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

Exhibit #6: Student Training Report from Lackland AFB

Exhibit #7: Three Character Letters from Margaret Tiez Nursing & Rehabilitation Center

Exhibit #8: Loss Prevention Awards from Walmart

Exhibit #9: Two Character Letters from Dunbar Armoured

Exhibit #10: Letter of Employment from VA Peninsula Regional Jail

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

**FINDINGS:** Upgrade of discharge and change of reason and authority for discharge and change of reenlistment code are 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 based on a minor incident in two months of service with no other adverse action whatsoever.

The records indicated the applicant received a Special Court Martial conviction for wrongful appropriation of a government owned vehicle and for making numerous false official statements.

**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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Buckley AFB, CO on 7 Oct 03 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement With Military Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Jun 83. Enlmt Age: 19 0/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-48, E-40, G-42, M-35. PAFSC: 3P031 - Security Forces Apprentice. DAS: 19 Aug 02.

b. Prior Sv: (1) AFRes 21 Jun 02 - 1 Jul 02 (11 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Jul 02 for 6 yrs. Svd: 1 Yrs 3 Mo 6 Das, all AMS.

b. Grade Status: AB - 1 Jul 03 (SPCMO No.10, 2 Jul 03)  
A1C - 16 Aug 02

c. Time Lost: 17 Jun 03 thru 12 Sep 03 (2 months 26 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial No.10 - 2 Jul 03

CHARGE I: Article 107. Plea: Guilty. Finding: Guilty.

Specification 1: Did, on or about 8 Apr 03, with intent to deceive, make to MSGt [REDACTED] an official statement, to wit: that his Geneva Conventions Military Identification card had been broken and discarded, which statement was totally false, and was then known by the said A1C [REDACTED] to be so false. Plea: Guilty. Finding: Guilty.

Specification 2: Plea: NG. Finding: Dismiss with prejudice (after arraignment)

Specification 3: Did, on or about 9 Apr 03, with intent to deceive, make to SMSgt [REDACTED] an official statement, to wit: that he did not attend his distance learning training because he had to drive to Wyoming to take his wife to a hospital emergency room, which statement was totally false, and was then

known by the said A1C ██████████ to be so false.  
 Plea: Guilty except the words "did not attend his distance learning training," substituting "attended his distance learning training late," of the excepted words, Not Guilty, of the substituted words, Guilty. Finding: Guilty, except the words "did not attend his distance learning training," substituting "attended his distance learning training late," of the excepted words, Not Guilty, of the substituted words, Guilty.

Specification 4: Did, on or about 9 Apr 03, with intent to deceive, make to MSgt ██████████ an official statement, to wit: that he had found his Geneva Conventions Military Identification card in the dumpster and took it to the Military Personnel Flight and had a new Geneva Conventions Military Identification card issued, which statement was totally false, and was then known by the said A1C ██████████ to be so false. Plea: Guilty. Finding: Guilty.

CHARGE II: Article 121. Plea: Guilty. Finding: Guilty.

Specification: Did, on divers occasions, from between on or about 1 Jan 03 to on or about 16 Apr 03, wrongfully appropriate Government Owned Vehicles, the property of the United States of America. Plea: Guilty. Finding: Guilty. Sentence adjudged on 17 Jun 03: Reduced to the grade of Airman Basic, confined for one hundred five(105) days, and fined \$700.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (0) Mos (21) Das  
 TAMS: (1) Yrs (0) Mos (10) Das

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

Issue 1: My discharge was inequitable because it was based on a minor incident in 2 months of service with no other adverse action whatsoever.

ATCH

1. DD Form 214.

23JUN05/ia



DEPARTMENT OF THE AIR FORCE  
460TH AIR BASE WING (AFSPC)

FD2005-00187

SEP 15 2003

MEMORANDUM FOR AD [REDACTED] 460 SFS

FROM: 460 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Discreditable Involvement with Military Authorities. The authority for this action is AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.50.1. If my recommendation is approved, your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).
2. My reason for this action is a court-martial conviction on 17 June 2003 for wrongful appropriation of a Government Owned Vehicle and for making numerous false official statements.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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.
4. You have the right to consult counsel. Military legal counsel can be reached at (303) 677-6967. 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 NLT 1500 hours on 18 Sep 2003 (3 workdays) unless you request and receive an extension from me 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 medical examination. You must report to the 460th Medical Squadron, 830 S. Potomac Street, Primary Care Clinic, with Dr. [REDACTED] on 22 Sep 03 at 1330 hours. If you wear eyeglasses, you must bring them with you. ***If you are unable to make any of your schedule appointments, you must contact the First Sergeant immediately.***

FD 2005-00187

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.



, Major, USAF

Commander

Attachments:

1. AF Form 1359 – Report of Result of Trial
2. Special Court-Martial Order No. 10, dated 2 Jul 03