

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b>	A93.09	<b>INDEX NUMBER</b>	A67.10	<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>CASE NUMBER</b>
08 Dec 2005	FD-2005-00226

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.

<b>SIGNATURE OF RECORDER</b> 	<b>SIGNATURE OF BOARD PRESIDENT</b> 
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<b>INDORSEMENT</b>	<b>DATE: 12/12/2005</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

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00226**

**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 needs an honorable discharge in order to get a government job. The records indicated the applicant received two Article 15s. One for dereliction in the performance of his duties by wrongfully using the unit recall roster for unofficial business. The second one for stealing various tools from the Air Force. He also received a Vacation action under the UCMJ for wrongfully wearing an earring while in uniform. Finally, he received one Letter of Reprimand, a Letter of Counseling and a Letter of Admonishment for being late for work and for wearing an earring while in uniform. 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

[REDACTED]  
(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Altus AFB, OK on 17 Mar 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 24 Jan 78. Enlmt Age: 18 7/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-65, E-45, G-37, M-41. PAFSC: 2S051 - Inventory Management Journeyman. DAS: 4 Mar 97.

b. Prior Sv: (1) AFRes 12 Sep 96 - 01 Oct 96 (20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 02 Oct 96 for 4 yrs. Extended 04 Oct 99 for 18 months. Svd: 05 Yrs 05 Mo 16 Das, all AMS.

b. Grade Status: Amn - 08 Nov 01 (Article 15, 8 Nov 01)  
SrA - 05 Dec 00  
A1C - 05 Apr 99  
Amn - 05 Jun 98  
AB - 05 Dec 97 (Vacation of Article 15, 5 Feb 98)  
Amn - 02 Apr 97

c. Time Lost: None.

d. Art 15's: (1) 08 Nov 01, Altus AFB, OK - Article 121. You, did, on divers occasions, between on or about 01 Sep 00 and on or about 01 Dec 00, steal various tools, military property, of a value of about \$354.18, the property of the United States Air Force. Reduction to Airman, and 45 days extra duty. (Appeal/Denied) (No mitigation)

(2) 05 Feb 98, Vacation, Altus AFB, OK - Article 92. You did, on or about 22 Jan 98, fail to obey a lawful general regulation, to wit: table 2.5, item #6, AFI 36-2903, dated 01 Apr 96, by wrongfully wearing an earring while in uniform. Reduction to AB. (No appeal) (No mitigation)

(3) 05 Dec 97, Altus AFB, OK - Article 92. You, who knew of your duties, on or about 23 Oct 97, were derelict in the performance of those duties in that you willfully and wrongfully used your recall roster for unofficial

purposes, to wit: making harassing telephone calls to other airmen at their private residence telephone numbers using information which was protected by the Privacy Act, as it was your duty not to do. Suspended reduction to AB. (No appeal) (No mitigation)

- e. Additional: LOA, 20 AUG 01 - Late for work.  
LOC, 29 JUN 01 - Late for work.  
LOR, 29 JAN 98 - Wearing an earring while in uniform.
- f. CM: None.
- g. Record of SV: 02 Oct 96 - 01 Jun 98 Altus AFB 3 (Initial)  
02 Jun 98 - 08 Nov 98 Altus AFB 4 (CRO)  
09 Nov 98 - 01 Jul 99 Altus AFB 5 (CRO)  
02 Jul 99 - 16 Jan 00 Altus AFB 5 (CRO)  
17 Jan 00 - 16 Jan 01 Altus AFB 5 (Annual)
- h. Awards & Decs: AFLSAR, AFTR, AFOUA W/3 DEVS, AFGCM.
- i. Stmt of Sv: TMS: (05) Yrs (06) Mos (06) Das  
TAMS: (05) Yrs (05) Mos (16) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 07 Jun 05.  
(Change Discharge to Honorable)

Issue 1: I would like to get a government job. The requirements call for a (sic) honorable discharge with three years experience.

**ATCH**

1. Request and Authorization for Separation.
2. DD Form 214.

20JUL05/ia

DEPARTMENT OF THE AIR FORCE

Air Education and Training Command  
Altus Air Force Base, Oklahoma

FD 2005-80 226

11 Mar 02

MEMORANDUM FOR AMN [REDACTED]

FROM: 97 TRANS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Section 5H, paragraph 5.49. If you are discharged your service may be characterized as honorable, 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. Between on or about 1 Sep 00 and on or about 1 Dec 00, you stole various tools, the property of the USAF. For this misconduct, you received Article 15 Non-Judicial Punishment on 8 Nov 01 and this discharge action was initiated.

b. On or about 20 Aug 01, you were over an hour late for duty. For this misconduct, you received a Letter of Admonishment (LOA).

c. On or about 29 Jun 01, you were late for duty. For this misconduct, you received a Letter of Counseling (LOC).

d. On or about 22 Jan 98, you failed to obey a lawful general regulation by wrongfully wearing an earring while in uniform. For this misconduct, you received a Record of Proceedings of Vacation of Suspended Non-Judicial Punishment and a Letter of Reprimand (LOR).

e. On or about 23 Oct 97, you were derelict in the performance of your duties when you willfully and wrongfully used your recall roster to make harassing telephone calls to other airmen at their private residence. For this misconduct, you received Article 15 Non-Judicial Punishment.

3. Other derogatory data:

On or about 16 Nov 99, you were denied the Air Force Good Conduct Medal (AFGCM) for the period of 30 Sep 96 through 1 Oct 99.

4. 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 funds may be subject to recoupment.

5. 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 Captain [REDACTED] Building 52 on 11 Mar 02 at 1400 hrs. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 14 MAR 02 (3 duty days) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You have been scheduled for a medical examination. You must report to the base hospital, family practice, at 1015 hrs on 11 Mar 02.

9. 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.

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

[REDACTED]  
[REDACTED] Major, USAF  
Commander

Attachments:

1. Supporting Documents
  - a. AF Form 3070 w/atchs, dated 8 Nov 01
  - b. LOA, dated 20 Aug 01
  - c. LOC, dated 29 Jun 01
  - d. AF Form 366, dated 5 Feb 98
  - e. LOR, dated 29 Jan 98
  - f. AF Form 3070, dated 5 Dec 97
  - g. Denial of AFGCM, dated 16 Nov 99
2. Airman's Receipt of Acknowledgement