

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AB

TYPE UOTH

PERSONAL APPEARANCE

X

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES No

X

MEMBER SITTING

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES
A94.05
A93.09

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
21 Dec 2005

CASE NUMBER
FD-2005-00245

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.

SIGNATURE OF RECORDER

SIGNATURE OF BOARD PRESIDENT

INDORSEMENT

DATE: 12/21/2005

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, 3RD FLOOR
ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00245

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 Under Other Than Honorable Conditions (UOTHC) Discharge for Misconduct, specifically for Commission of a Serious Offense – Theft. The discharge documents are missing from the record and based on the presumption of regularity, the request is denied. 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. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr Keesler AFB, MD on 25 Mar 94 UP AFR 35-41, Volume III (Misconduct - Commission of a Serious Offense - Theft). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 24 Aug 70. Enlmt Age: 18 8/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 60531 - Apprentice Air Cargo Specialist. DAS: Unknown.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted AFRes as AB 19 May 89 for 6 yrs. Svd: 4 Yrs 10 Mo 7 Das, of which AMS is 9 months 23 days.

b. Grade Status: AB - Unknown
SRA - 01 May 91
A1C - Unknown
Amn - 3 Feb 90

c. Time Lost: None.

d. Art 15's: Unknown.

e. Additional: Unknown.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (04) Yrs (10) Mos (07) Das
TAMS: (00) Yrs (09) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jun 05.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable for me during that time because I was financial unable to afford legal help. I'm requesting to upgrade my discharge. During my time in the reserve, I did my work or missions with little problems. My time in the reserves was highly commend (sic) during my tenure.

ATCH

1. Recognition for Outstanding Performance.
2. Letter of Thanks.
3. Letter of Recommendation.

27JUL05/ia

FD2005-00245

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE RESERVE
ROBINS AIR FORCE BASE, GEORGIA 31098-1635

RESERVE ORDER
A-101

15 March 1994

The Air Force relieves AIRMAN BASIC [REDACTED]
[REDACTED] (AFSC 2T231 functional account code: 42K100 position
control number: 08496861C; from assignment 41st Mobile Aerial
Port Squadron, Keesler AFB MS 39534 and discharges him from the
United States Air Force Reserve effective 25 March 1994. Service
is characterized as Under Other Than Honorable Conditions. Mail-
ing address: 2830 Warren Place, Prichard AL 36612. Authority:
AFR 35-41, Volume III, Misconduct, Commission of a Serious Of-
fense--Theft. Reenlistment eligibility status: INELIGIBLE.

FOR THE COMMANDER



[REDACTED] Colonel, USAFR
Chief, Personnel Program Division
Directorate of Personnel

- DISTRIBUTION
5-Indiv
1-ARPC/DSMM
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1-AFRES/DPRV
2-Unit Concerned
2-CBPO Concerned

RO A-101