

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SRA	AFSN/SSAN [REDACTED]
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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	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A67.10	INDEX NUMBER A94.05	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 27 Dec 2005	CASE NUMBER FD-2005-00294	
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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, 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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT **DATE: 12/27/2005**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00294

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 three Letters of Reprimand, two Unfavorable Information files and was placed on the Control Roster for misuse of his government travel card and for contributing to the delinquency of minors by allowing them to use his residence for illegal drug use. 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. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 SRA) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Robins AFB, GA on 4 Aug 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 1 Jan 72. Enlmt Age: 20 0/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-95, E-88, G-86, M-54. PAFSC: 2P051 - Precision Measurement Equipment Lab Journeyman. DAS: 30 Mar 94.

b. Prior Sv: (1) AFRes 17 Jan 92 - 17 Feb 92 (1 month 1 day) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 18 Feb 92 for 6 years. Svd: 03 Yrs 05 Mo 17 Das, all AMS.

b. Grade Status: SrA - 1 Aug 94
A1C - 1 Apr 92

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR/UIF, 26 MAY 95 - Fraudulently receiving a larger Overseas Housing Allowance then authorized.
LOR/UIF, 18 MAY 95 - Allowing teenagers to use his residence for illegal drug use.
CR, 18 MAY 95 - For being derelict in his responsibilities.
LOR/UIF, 09 MAR 95 - Misused his government issued American Express and inappropriately withdrew over \$2,700 in cash advance.

f. CM: None.

g. Record of SV: 18 Feb 92 - 17 Oct 93 Holloman AFB 4 (Initial)
18 Oct 93 - 14 Feb 94 Holloman AFB 4 (CRO)
15 Feb 94 - 14 Feb 95 RAF Lakenheath 5 (Annual)

h. Awards & Decs: AFOUA W/1 OLC, AFGCM, NDSM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (06) Mos (18) Das
TAMS: (03) Yrs (05) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Jul 05.
(Change Discharge to Honorable)

Issue 1: ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issue.
2. Recommendation for Decoration/Award, (DA Fm 638).
3. Citation for Army Commendation Medal.
4. Certificate Squadron Leadership School.

1Aug05/day

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and social security number on each document.)

- a. Will not be submitted. Please complete review based on available service records.
- b. Will be submitted within 60 days.
- c. Will be submitted within _____ days.
- d. Are listed below and are attached to this application: (Continue on a plain sheet of paper if more space is needed.)

(1) DOCUMENT 1:
ARMY COMMENDATION MEDAL RECOMMENDATION AND AWARD, GA NATIONAL GUARD

(2) DOCUMENT 2:
SQUADRON LEADERSHIP SCHOOL CERTIFICATE, US AIR FORCE AUXILIARY/CIVIL AIR PATROL

(3) DOCUMENT 3:
CURRENT TRANSCRIPT, EMBRY-RIDDLE AERONAUTICAL UNIVERSITY, DISTANCE LEARNING

8. **ISSUES.** The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board also will review the case to determine whether there are any issues which provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Read the instructions carefully that pertain to block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

ISSUE 1: **MY GENERAL UNDER HONORABLE CONDITIONS DISCHARGE WAS INEQUITABLE AS IT WAS BASED ON AN ISOLATED INCIDENT DURING MY ENLISTMENT PERIOD OF ACTIVE DUTY SERVICE WITH NO OTHER ADVERSE ACTIONS HAVING OCCURRED.**

ISSUE 2: **I AM CURRENTLY ENLISTED IN THE GEORGIA ARMY NATIONAL GUARD, AND WILL BE DUE FOR A RE-ENLISTMENT WHICH I INTEND TO SECURE. I HAVE ALSO BEEN A VOLUNTEER OFFICER IN THE CIVIL AIR PATROL/US AIR FORCE AUXILIARY (SER GA-116) SINCE 2001. I AM ALSO A DEPUTY WITH THE HENRY COUNTY SHERIFF'S OFFICE IN MCDONOUGH, GA.**

ISSUE 3: **I CONTRIBUTED THE APPROPRIATE FUNDS WHILE ACTIVE DUTY TOWARDS THE MONTGOMERY G.I. BILL, AND MY DISCHARGE PREVENTS ME FROM USING THESE FUNDS. I HAVE BEEN ACTIVELY USING ARMY TUITION ASSISTANCE WHILE PURSUING MY DEGREE AT EMBRY-RIDDLE AERONAUTICAL. I INTEND TO BECOME AN ARMY OFFICER THROUGH OFFICER CANDIDATE SCHOOL, AND I WISH TO COMPLETE MY DEGREE TO ACHIEVE THIS. G.I. BILL FUNDS WILL HELP ME GREATLY IN THIS ENDEAVOUR.**

ISSUE 4:

- a. Mark this block if you have listed additional issues as an attachment to this application.
- b. I previously submitted an application on (Enter Date) _____ and I am completing this form in order to submit additional issues.
- c. The above issues supersede all previously submitted.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides a penalty as follows: A maximum fine of \$10,000 or maximum imprisonment of 5 years, or both)

a. DATE (Year, Month, Day) 2005 07 18	b. SIGNATURE 
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UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
CO, USARPAC 9700 Page Blvd. St. Louis, MO 63132-5200	NAVAL Discharge Review 801 No. Randolph St. Arlington, VA 22203-1991	AFMPC/MPCDOA1 Randolph AFB, TX 78150-6001	Commandant (G-PE-1) U.S. Coast Guard Hedq Washington, DC 20593-0001

DEPARTMENT OF THE AIR FORCE
48TH FIGHTER WING (USAFE)

23 June 1995

MEMORANDUM FOR SRA [REDACTED]

FROM: 48 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct--Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, 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 26 May 1995, you received a LOR for fraud against the government, in that, you failed to accurately report that you did at times share your residence with another military member, thus decreasing your Overseas Housing Allowance (OHA), and claiming to pay all utilities yourself, while receiving partial financial assistance for the electric bill from your military roommate. This LOR dated 26 May 1995, was added to your existing Unfavorable Information File (UIF), dated 30 May 1995.

b. On 18 May 1995, you received a LOR for being derelict in your responsibilities, in that, several teenagers were found to have been using illegal drugs in your residence at 6 The Cedars, Lakenheath Village. This LOR, dated 18 May 1995, was added to your UIF and placed you on the Control Roster, dated 22 May 1995.

c. On 9 March 1995, you received a LOR for being derelict in the performance of your duties, in that, you misused your government issued American Express Card and inappropriately withdrew over \$2,700 in cash advances. This LOR, dated 9 March 1995, established a UIF, dated 13 March 1995.

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.

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 [REDACTED] at building 976, ext 3608, on 23 June 1995, 0930 hours. 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 28 June 1995**, unless you request and receive an extension for good cause shown. I will send them 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've already completed your medical examination, on 7 June 1995.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use at the Unit Orderly Room or the Area Defense Counsel Office.

[REDACTED]
[REDACTED]
[REDACTED], Lt Col, USAF
Commander

Attachments:

- 1. AF 1058, dtd 30 May 1995
- 2. LOR, dtd 26 May 1995
- 3. OSI report, dtd 1 May 1995
- 4. AF 1058, dtd 22 May 1995
- 5. LOR, dtd 18 May 1995
- 6. OSI report, 3 April 1995
- 7. AF 1058, dtd 13 March 1995
- 8. LOR, dtd 9 March 1995
- 9. Amn's Receipt of Notification Memorandum