

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE		AFSN/SSAN	
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## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00042

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

The applicant was offered a personal appearance before the Discharge Review Board 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, change of reason and authority and change of the 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 received a General discharge for Misconduct--Commission of a Serious Offense

Issue 1: Applicant contends that he was young and immature. He states that that he is a more responsible and has learned from his past mistakes. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 2: Applicant contends his court martial punishment was inequitable because another airman involved in the same incident only received a few weeks of corrective custody. The records indicate that the applicant received three Records of Individual Counseling, a Letter of Counseling and a Letter of Reprimand for misconduct. The misconduct included irresponsible driving with a government vehicle, failure to go and on leave without proper authorization, and parking in the roadway, impeding traffic. The Board found the applicant's issues to be without merit and 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Grissom AFB, IN on 2 Oct 92 UP AFR 39-10, para 5-49c (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 21 Jul 71. Enlmt Age: 18 6/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-51, E-45, G-41, M-67. PAFSC: 55230 - Apprentice Structural Specialist. DAS: 7 Jan 91.

b. Prior Sv: (1) AFRes 1 Feb 90 - 7 Aug 90 (6 months 7 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Aug 90 for 4 yrs. Svd: 2 Yrs 1 Mo 25 Das, of which AMS is 1 yr 10 months 11 days (excludes 3 months 14 days lost time).

b. Grade Status: AB - 7 Jul 92 (SCMO#2, 7 Jul 92)  
A1C - 8 Dec 91  
Amn - 8 Feb 91

c. Time Lost: 11 Jun 92 thru 25 Sep 92 (3 months 14 days).

d. Art 15's: None.

e. Additional: LOR, 30 MAR 92 - Traffic Ticket for parking in the roadway and impeding traffic.  
LOC, 07 FEB 92 - Unauthorized items in dormitory room.  
RIC, 25 SEP 91 - On leave without authorization.  
RIC, 25 SEP 91 - Failure to go.  
RIC, 09 APR 91 - Irresponsible driving.  
18 APR 91 - Second notice for dishonored check.

f. CM: Special Court Martial Order No.2 - 7 Jul 92

CHARGE: Article 121.

Specification: Between on or about 1 Jan 92 and on or about 28 Feb 92, steal a HILTI Air Nailer, of a value in excess of \$100.00, the property of the United States Government. Plea: Guilty.  
Finding: Guilty. Sentence adjudged on 11 Jun 92: Confinement for 4 months, forfeiture of \$500.00 pay per month for 4 months (only \$300.00 pay per month for four months approved), and reduction to the grade of AB.

g. Record of SV: None.

h. Awards & Decs: AFOUA, NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (18) Das  
TAMS: (1) Yrs (10) Mos (11) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Jan 05.

(Change Discharge to Honorable and Change the RE Code, Reson and Authority for Discharge.)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Two Character References.

21MAR05/ia

Dear Sirs and Madams,

My name is [REDACTED]; I am writing this letter to request that my discharge and re-entry code status be reexamined for modification. I was a young, immature boy during my twenty-six months of service in The United States Air Force. I am now a responsible, thirty-three year old man, with a wife and two children. I have been out of the United States Air Force for roughly thirteen years, but not a day goes by that I do not think about the good memories, and childish mistakes that I made.

Throughout the years, my General Under Honorable discharge status has plagued my self-esteem and hindered my career. I have had several jobs in the past, but none have been as fulfilling as my short time in the military, when I served my country. I have searched for a career that would consume my longing for the pride and honor that I had while serving my country, but have come up short. For the past two years, I have tried to become a Law Enforcement Officer, in hope of once again wearing a uniform and serving my country, but have been turned down every time because of my military past.

The offense I was charged with was "theft of government property". When questioned, I willingly admitted to my proticapation. [REDACTED] (another airman involved) received a few weeks in corrective custody, and I received loss of grade, four months in jail, and discharged early with a general under honorable status. During my jail sentence I made several requests to my Squadron Commander, and Base Commander for retention instead of dismissal, but was denied. I also contacted my Congressman, but did not receive a reply.

Today, I am still being punished for a crime that I committed over thirteen years ago. I have one brother, Specialist [REDACTED]; and two cousins, Sargent [REDACTED] and Captain [REDACTED], currently serving in the National Guard in Iraq. I am angry at myself and ashamed that I am not allowed to be over in Iraq by their side, helping to protect our country and our families. Please help me to put my shameful past behind me, and a future in front of me, by changing my discharge and re-entry code. Please let me have a chance to prove myself worth to my country, my family, and myself.

Respectfully Yours, [REDACTED]

FD 2005-00042

DEPARTMENT OF THE AIR FORCE  
305TH AIR REFUELING WING (AMC)  
GRISSOM AIR FORCE BASE, INDIANA 46971-5000

31 AUG 1992

FROM: 305 CES/CC

SUBJ: Notification Letter

TO: AB [redacted]  
[redacted], 305 CES

1. I am recommending your discharge from the United States Air Force for Misconduct - Commission of a Serious Offense - Other Serious Offenses. The authority for this action is AFR 39-10, paragraph 5-49c. If my recommendation is approved, your service will be characterized as general.

2. My reason for this action is that between on or about 1 January 1992 and on or about 28 February 1992, you stole a HILTI Air Nailer, the property of the United States Government. This is evidenced by Special Court-Martial Order No. 2, dated 7 July 1992.

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 Area Defense Counsel, Captain [redacted] on 31 August 1992 at 1400 hrs. 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 35ep, 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 have been scheduled for a medical examination. You must report to the 305th Strategic Clinic, Bldg. 530, at 0715 hours on 11 September 1992, for the separation examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 6. A copy of AFR 39-10 is available for your use in the unit orderly room.

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

[redacted]  
Commander

3 Atch

1. Supporting Document:

a. Special Court-Martial Order No. 2,  
dated 7 July 1992