

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE <p align="center">A1C</p>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 2px;">YES</td> <td style="width:50%; padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; padding: 2px;">X</td> <td style="padding: 2px;"></td> </tr> </table>	YES	No	X			
YES	No					
X						

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X*+
					X*+
					X*+
					X*+
					X*+

ISSUES A94.53 A92.21	INDEX NUMBER A67.90	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:20px; text-align: center; padding: 5px;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center; padding: 5px;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center; padding: 5px;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center; padding: 5px;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table>	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
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HEARING DATE 10 Aug 2006	CASE NUMBER FD-2005-00313	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in 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.

*Reason and Authority

+Reenlistment Code

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT **DATE: 8/25/2006**

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-2005-00313

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

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, change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Issue 1. The applicant submitted no issues and requested that the review be completed based on the available service record. He has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received three Article 15's for misconduct. The first Article 15 was for writing a bad check. He was punished with a suspended reduction in grade to airman, suspended forfeiture of pay and 30 days of correctional custody. The second Article 15 was for writing a bad check and wrongfully using his government travel card. He received a reduction in grade to airman first class and 30 days extra duty. The third and final Article 15 was for failure to go to appointed place of duty, derelict in the performance of duty by providing an injection of B-12 without authorization of a physician, and providing an MMR injection without proper authorization from a physician. He received a suspended reduction to airman and fourteen days of extra duty. 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.

Issue 2. 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 A1C) (HGH SRA)

MISSING MPR & DISCHARGE

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Nellis AFB, NV on 17 Jun 94 UP AFR 39-10, para 5-47b (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 2 Jul 70. Enlmt Age: 17 2/12. Disch Age: 23 11/12. Educ: HS DIPL. AFQT: N/A. A-74, E-87, G-86, M-78. PAFSC: 4N051 - Medical Service Journeyman. DAS: 19 May 89.

b. Prior Sv: (1) AFRes 11 Sep 87 - 01 Aug 88 (10 mos 21 das) (Inactive).

(2) Enlisted as AB 2 Aug 88 for 4 years. Svd: 3 yrs 00 mos 18 das all AMS. Amn - 2 Feb 89. A1C - 2 Dec 89. SrA - (EPR indicates): 2 Apr 91 - 1 Apr 92. EPRs: 3,3.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 20 Aug 91 for 4 years. Svd: 02 Yrs 09 Mo 27 Das, all AMS.

b. Grade Status: A1C - 3 May 94 (Article 15, unk)

c. Time Lost: None.

d. Art 15's: (1) 25 May 94, Nellis AFB, NV - Article Unk. MISSING DOCUMENT. (No appeal) (No mitigation)

(2) 11 May 94, Nellis AFB, NV - Article unk. MISSING DOCUMENT. (No appeal) (No mitigation)

(3) 30 Apr 90, Nellis AFB, NV - Article 123a. Preliminary investigation has disclosed that you, did, on or about 25 Mar 90, with intent to defraud and for the procurement of lawful currency or other things of value, wrongfully and unlawfully make and utter to Nellis AFB Exchange, a certain check upon First Interstate Bank, NV, in words and figures as follows, to wit: Check #218, dated 25 Mar 90, for \$50.00, then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with such bank for the payment of said check in full upon its presentment. Suspended reduction to Amn and suspended forfeiture of \$405.00 pay

per month for 2 months. Thirty days correction custody. Remission of that portion of the nonjudicial punishment which called for correctional custody in excess of 22 days. (No appeal) (No mitigation)

Examiner's Note: First two Article 15s listed on the Recommendation for Discharge Letter.

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 2 Apr 91 - 1 Apr 92 Nellis AFB 4 (Annual)
2 Apr 92 - 1 Apr 93 Nellis AFB 5 (Annual)
2 Apr 93 - 1 Apr 94 Nellis AFB 4 (Annual)

h. Awards & Decs: AFAM, AFOUA W/1 DEV, AFGCM, NDSM, AFLSAR, NCOPMER, AFTR.

i. Stmt of Sv: TMS: (06) Yrs (09) Mos (07) Das
TAMS: (05) Yrs (10) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Jul 05.
(Change Discharge to Honorable, and change the RE Code, Reason and Authority for Discharge).

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issures.
2. Five Letters of Recommendation.
3. Request for Waiver, 2 pages.
4. EPRs.
5. Two Reserve Orders.
6. Two Discharge Certificates.
7. Two Certificates of Appreication.
8. Four Certificates of Training.
9. Two NGB Forms 22.
10. Letter of Appreication.
11. Discharge Certificate.
12. Reserve Order.

17Jan06/day

01 AUG 2005

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>		Form Approved OMB No. 0704-0004 Expires Aug 31, 2006
The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.		
PRIVACY ACT STATEMENT		
AUTHORITY: 10 U.S.C. 1553; E.O. 9397. PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual. ROUTINE USE(S): None. DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.		
1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.		
a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY <input checked="" type="checkbox"/> AIR FORCE COAST GUARD		
b. NAME (Last, First, Middle Initial)		c. GRADE/RANK AT DISCHARGE E-3 / A1C
		d. SOCIAL SECURITY NUMBER
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)		
19940617		
4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		
<input type="checkbox"/> HONORABLE <input checked="" type="checkbox"/> CHANGE TO HONORABLE <input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) <input type="checkbox"/> BAD CONDUCT (Special court-martial only) CHANGE NARRATIVE REASON FOR SEPARATION TO:		
5. BOARD ACTION REQUESTED (X one)		
<input type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER (Explain)		
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION		
554 MEDICAL GROUP		
6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)		
I AM CURRENTLY SERVING IN THE AIR NATIONAL GUARD, AND DESIRE TO RETURN TO ACTIVE DUTY. I WAS PREVIOUSLY GRANTED A WAIVER BY THE MASSACHUSETTS ADJUTANT GENERAL, AND SINCE THAT TIME HAVE SERVED HONORABLY IN SEVERAL BRANCHES. BUT ONLY RECENTLY DISCOVERED THAT THE GRANTED WAIVER WOULD NOT COVER RE ENTRY TO ACTIVE DUTY.		
7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.		
8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)		
1. LETTER OF EXPLANATION 2. LETTERS OF RECOMMENDATION 3. COPY OF WAIVER 4. COPIES OF ALL AF FORM 910 (5) 5. COPIES OF NGB FORM 22 (ARMY & AIR) 6. COPY OF HONORABLE DISCHARGE ORDER FROM USAF RESERVE.		
9. TYPE OF REVIEW REQUESTED (X one)		
<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD. <input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA. <input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)		
10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)		b. TELEPHONE NUMBER (Include Area Code)
		c. E-MAIL
		d. FAX NUMBER (Include Area Code)
11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.		
<input type="checkbox"/> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER (Specify)		
12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)		b. TELEPHONE NUMBER (Include Area Code)
		c. E-MAIL
		d. FAX NUMBER (Include Area Code)
13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)		CASE NUMBER (Do not write in this space.)
13.a. SIGNATURE - REQUIRED (400 lines of space in Item 11 above)		13.b. DATE SIGNED - REQUIRED (YYYYMMDD) 20050722
		FD2005-00 313



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 554TH SUPPORT GROUP (ACC)
NELLIS AIR FORCE BASE, NEVADA

MEMORANDUM FOR 554 MSSQ/MSPQS

14 JUN 1994

FROM: CC

SUBJECT: Recommendation for Discharge - AIC [redacted]; 554 MG

The recommendation for discharge of AIC [redacted], 554th Medical Group, is approved. AIC [redacted] will be discharged from the United States Air Force under the provisions of AFR 39-10, paragraph 5-47b, with a general discharge without the opportunity for probation and rehabilitation. This action shall not be executed until AIC [redacted] is found medically qualified for separation.

[redacted signature box]

Colonel, USAF
Commander

Attachment:
Administrative Discharge File -
AIC [redacted]



DEPARTMENT OF THE AIR FORCE
554TH MEDICAL GROUP (ACC)
NELLIS AIR FORCE BASE, NEVADA

113 JUN 1994

MEMORANDUM FOR 554 SPTG/CC

FROM: 554 Med Gp

SUBJECT: Recommendation for Discharge (AIC [redacted], 554 Med Gp)

1. I recommend that AIC [redacted] be discharged from the United States Air Force for the commission of a serious offense. The authority for my recommendation is AFR 39-10, paragraph 5-49. I recommend a general discharge. The specific reason for the proposed discharge is contained in attachment 1, notification letter dated 7 Jun 94.

2. Information from the military record follows:

a. Date and term of enlistment: 10 Mar 94, 4 years
Date this period of continuous active duty started: 2 Aug 88
Pay date: 2 Aug 88
Prior service: None.
TAFMSD: 2 Aug 88

b. Date of birth: 2 Jul 70.

c. Test scores: Admin-74, Elec-87, Gen-86, Mech-78.

d. Formal training: Airman Leadership School.

e. Date assigned to unit: 19 May 89.

f. Current grade and effective date: A1C, 3 May 94.

g. Demotions and dates thereof: SrA to A1C, 3 May 94.

h. Time lost: None.

i. Record of Disciplinary Actions, under Article 15, UCMJ or court-martial: Article 15, 25 May 94; Article 15, 11 May 94; Article 15, 30 Apr 90

j. Overall ratings on enlisted performance reports:

<u>Periods of Observation</u>	<u>Overall Rating</u>
2 Apr 93 - 1 Apr 94	4

Global Power for America

2 Apr 92 - 1 Apr 93	5
2 Apr 91 - 1 Apr 92	4
2 Apr 90 - 1 Apr 91	3

k. Favorable communications, citations, or awards: AF Achievement Medal, AF Good Conduct Medal, NCO Professional Military Education Ribbon, AF Longevity Service Award, AF Outstanding Unit Award (1 Device) National Defense Service Medal and AF Training Ribbon.

l. Derogatory data, other than action by courts-martial or under Article 15, UCMJ: See Atch 1, Notification Letter dated 7 Jun 94.

m. Medical or other data meriting consideration: None.

n. Respondent does not hold an appointment as a Reserve commissioned or warrant officer.

3. Before recommending this discharge AIC: [redacted] was counseled and has received punishment under Article 15 with negative results. The seriousness of this offense warrants immediate discharge without additional rehabilitative efforts.

4. I do not recommend probation and rehabilitation according to AFR 39-10, chapter 7. AIC [redacted] significant misconduct indicates profound incompatibility with military service.

[redacted]

Colonel, USAF
Commander

Attachments:

1. Cy of Notification Ltr w/atchs
2. Amn's Receipt of Notification Ltr
3. Amn's Stmt w/wo atchs
4. Medical Examination
5. EPRs