

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(INITIAL)	GRADE AMN	AFCN/CCAN
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		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 A92.35	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 13 Feb 2006	CASE NUMBER FD-2005-00320	
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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.

INDORSEMENT		DATE: 2/13/2006
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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00320

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 the discharge was inequitable because it was based on one isolated incident in seven years with no other adverse incidents. The records indicated the applicant received an Article 15 for misconduct. The misconduct included stealing merchandise from the base exchange valued at about \$606.59. 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**

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Maxwell AFB, AL on 8 Jun 04 UP AFI 36-3208, para 5.52.3 (Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Dec 77. Enlmt Age: 18 6/12. Disch Age: 26 5/12. Educ: HS DIPL. AFQT: N/A. A-42, E-35, G-48, M-35. PAFSC: 4N051 - Aerospace Medical Services Journeyman. DAS: 4 Nov 03.

b. Prior Sv: (1) AFRes 26 Jul 96 - 29 Dec 96 (5 months 4 days) (Inactive).

(2) Enlisted as AB 30 Dec 96 for 4 yrs. Extention 6 Apr 00 for 5 months. Svd: 3 yrs 4 months 3 days, all AMS. AMN - 30 Jun 97. A1C - 30 Apr 98. EPRs: 3(REF), 3(REF), 3.

ART 15: 3 Aug 98, Holloman AFB, NM - Article 107. You did, on or about 22 Jul 98, with intent to deceive, make to Captain _____, an official statement, to wit: that Amn _____ had your AF 988, Leave Request Authorization, or words to that effect, which statement was false in that Amn Gina C. Bovia did not have your AF 988, and was known by you to be so false. You did, on or about 22 Jul 98, with intent to deceive, make to Amn _____ an official statement, to wit: that you had misplaced Part III of your AF 988, Leave Request Authorization, or words to that effect, which statement was false, in that you had not misplaced AF Form 988, Leave Request Authorization, and was then known by you to be so false. Suspended reduction to Airman. Thirty days extra duty.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as A1C 4 May 00 for 6 yrs. Extended 14 Aug 03 for 8 months. Svd: 04 Yrs 01 Mo 04 Das, all AMS.

b. Grade Status: Amn - 01 Apr 04 (Article 15, 01 Apr 04)
SrA - 10 Aug 00

c. Time Lost: None.

d. Art 15's: (1) 01 Apr 04, Kunsan AB, Korea - Article 121. You, did, at or near Kadena AB, Okinawa Japan, on or about 25 Feb 04, steal merchandise, of a value of about \$606.59, the

property of the Kadena AAF Base Exchange Service.
Reduction to AB, (below Amn suspended) and 30 days extra
duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 25 Feb 00 - 10 Dec 00 Osan AB 4 (CRO)
11 Dec 00 - 10 Apr 01 Osan AB 3 (CRO)
11 Apr 01 - 10 Apr 02 Andrews AFB 5 (Annual)
11 Apr 02 - 10 Apr 03 Andrews AFB 5 (Annual)
11 Apr 03 - 27 Aug 03 Andrews AFB 5 (CRO)

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

i. Stmt of Sv: TMS: (07) Yrs (10) Mos (14) Das
TAMS: (07) Yrs (05) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Aug 05.
(Change Discharge to Honorable)

Issue 1: My discharge was injustice because of one incident that happened
in my 7 1/2 years of service.

ATCH
None.

14SEP05/ia



DEPARTMENT OF THE AIR FORCE
8TH MEDICAL OPERATIONS SQUADRON
KUNSAN AIR BASE 96264

FD 2005-00320

MEMORANDUM FOR AMN

FROM: 8 MDOS/CC

3 MAY 04

SUBJECT: Notification Memorandum -- Board Hearing

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 AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.52.3. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is:

On 25 February 2004, you were apprehended by Security Forces at Kadena Air Base, Japan, for stealing merchandise valued at \$606.59 from the Base Exchange. For this action you were given an Article 15. (Atch 1)

3. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) Discharge. I am recommending that you receive an Under Honorable Conditions (General) Discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the United States Air Force and will probably be denied enlistment in any component of the armed forces.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to 8th Medical Group, Bldg 405 on 4 MAY 04, at 1430 hours for the examination.

6. 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 _____ at Bldg 301, on 3 MAY 04, at 1500 hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you

have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. 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 at Orderly Room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

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

✓ Commander

, Lt Col, USAF

Attachments:

1. AF Form 3070 (Art 15), dtd 1 Apr 04, w/atc
2. Receipt of Notification Memorandum