

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 AB	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
YES		
No		
	X	

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

ISSUES A94.05	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 10 Aug 2006	CASE NUMBER FD-2005-00420	
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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 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.

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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INDORSEMENT		DATE: 8/11/2006
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

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

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge and change of reason and authority for discharge 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 contends discharge was inequitable because it was too harsh and based on one isolated incident. The records indicated the applicant received a Letter of Reprimand for receiving stolen property on two occasions, two counts of petit larceny and involvement in six counts of grand larceny. The applicant's misconduct resulted in eight warrants for arrest and one Grand Jury indictment and pretrial incarceration. 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Shaw AFB, SC on 27 Sep 96 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge

2. **BACKGROUND:**

a. DOB: 30 Sep 74. Enlmt Age: 20 3/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-54, E-57, G-68, M-60. PAFSC: 1C531C - Aerospace Control & Warning System Apprentice. DAS: 26 Jul 95.

b. Prior Sv: (1) AFRes 28 Jan 95 - 04 Apr 95 (2 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Apr 95 for 4 yrs. Svd: 01 Yrs 05 Mo 23 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 19 AUG 96 - Received stolen property on two occasions. Two counts of petit larceny. Involved in six counts of grand larceny. Criminally conspired with others to effect these crimes. Misconduct resulted in eight warrants for arrest and one Grand Jury indictment on all crimes specified, and pretrial incarceration.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (08) Mos (00) Das
TAMS: (01) Yrs (05) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01 Nov 05.

(Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

Issue 1: My discharge was inequitable because it was based on one isolated incident which I was not involved with, charges were dropped against me, and I received no other adverse action.

ATCH

None.

10JAN06/ia



DEPARTMENT OF THE AIR FORCE
UNITED STATES CENTRAL COMMAND AIR FORCES (USCENTAF)
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD 2005-00420

10 Sep 96

MEMORANDUM FOR AB: [REDACTED]

FROM: A1-A4/CCQ
524 Shaw Dr
Shaw AFB SC 29152-5120

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for the commission of a serious offense – other serious offenses. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.52.3. 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 or about 6 Aug 95, at or near Sumter County, South Carolina, along with Eric [REDACTED] you knowingly and unlawfully received, or possessed 8 tapes, of a value of \$400.00, from Showcase Video, with the intent of permanently depriving the owner of this property.

b. On or about 8 Aug 95, at or near Sumter County, South Carolina, along with [REDACTED] you feloniously took a 6-piece stereo system, of a value of \$2,267.82, from Champion Rent-to-Own, with the intent of permanently depriving the owner of this property.

c. On or about 10 Aug 95, at or near Sumter County, South Carolina, along with [REDACTED] you feloniously took a 6-piece stereo system, of a value of \$2,267.82, from Champion Rent-to-Own, with the intent of permanently depriving the owner of this property.

d. On or about 10 Aug 95, at or near Sumter County, South Carolina, along with [REDACTED] you feloniously took a color television and video cassette recorder (VCR), of a value of \$2,681.92, from Champion Rent-to-Own, with the intent of permanently depriving the owner of this property.

e. On or about 14 Aug 95, at or near Sumter County, South Carolina, along with [REDACTED] you fraudulently acquired \$400.00 cash from [REDACTED] by advertising a non-existent product for sale, and receiving his payment, which you solicited with the intent to deceive.

f. On or about 17 Aug 95, at or near Sumter County, South Carolina, along with [REDACTED] you feloniously took a color television and VCR, of a value of \$1,949.22, from Rent-A-Center, with the intent of permanently depriving the owner of this property.

g. On or about 17 Aug 95, at or near Sumter County, South Carolina, along with [redacted]; you feloniously took a computer of a value of \$4,099.00, from Rent-A-Center, with the intent of permanently depriving the owner of this property.

h. On or about 19 Aug 95, at or near Sumter County, South Carolina, along with [redacted]; you fraudulently acquired \$1,125.00 cash from [redacted] by accepting a cash wire to a non-existent business, which you solicited with the intent to deceive.

i. On or about 21 Aug 95, at or near Sumter County, South Carolina, along with [redacted]; you knowingly and unlawfully received 7 stolen assorted video tapes, which were the stolen property of Sarge's TV and Video.

j. Between on or about 6 Aug 95, and on or about 21 Aug 95, at or near Sumter County, South Carolina, you conspired with [redacted] to operate a non-existent business for the purpose of committing larceny, and you conspired with the same persons to receive stolen goods.

Based on all of the misconduct specified above, you received a letter of reprimand, dated 19 Aug 96, which was entered into an unfavorable information file (UIF), and your promotion to airman was withheld. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 Capt [redacted] Area Defense Counsel, 668-2437, at building 1127, on 11 Sep 96 at 1030 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 within three duty days of receipt of the notification memorandum unless you request and receive an extension for good cause shown. I will forward them to the separation authority.

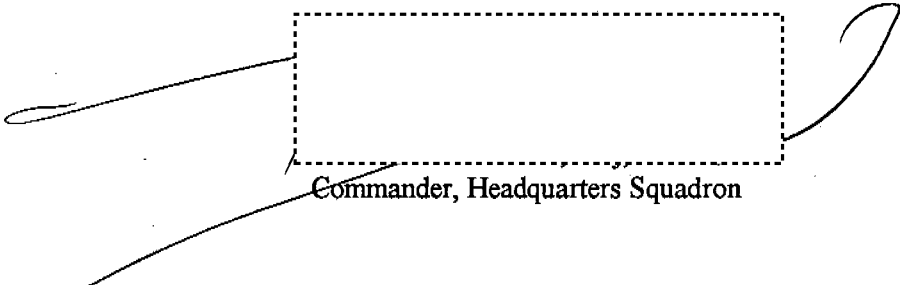
5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You must report to the Shaw AFB Hospital, Physical Examinations Section, on 13 Sep 96 at 1300 hours, for a medical examination.

7. 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 in the orderly room.

8. In accordance with AFI 36-3001, you must relinquish all identification cards within three duty days of receipt of this notification memorandum.

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



Commander, Headquarters Squadron

2 Attachments

1. Documents in Support of Discharge
 - a. AFOSI Report of Investigation, dtd 12 Feb 96, w/4 Atch
 - b. Sumter County Grand Jury Indictment, dtd 2 Jan 96
 - c. Memoranda, dtd 4 Jan 96
 - d. AF Form 1058, dtd 4 Sep 96
 - e. 609 ASUS Memorandum, dtd 19 Aug 96
 - f. 609 ASUS Memorandum, dtd 28 Sep 95
2. Airman's Receipt of Notification Memorandum