

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)  [ ]	GRADE  SRA	AFSN/SSAN  [ ]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL YES No	NAME OF COUNSEL AND OR ORGANIZATION  Alicia Jones	ADDRESS AND OR ORGANIZATION OF COUNSEL  American Legion 1608 K STREET NW WASHINGTON DC 20006	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHIC	OTHER	DENY
[ ]					X
[ ]					X
[ ]					X
[ ]					X
[ ]					X

ISSUES <b>A94.53</b>	INDEX NUMBER <b>A61.00</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	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 <b>25 May 2006</b>	CASE NUMBER <b>FD-2005-00428</b>	
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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  [ ]	SIGNATURE OF BOARD PRESIDENT  [ ]
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<b>INDORSEMENT</b>		DATE: 5/30/2006
TO: SAEMRBR 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-2005-00428**

**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 received a General discharge for Misconduct – Civilian Conviction

Applicant contends discharge was inequitable because it was based on one isolated incident in his 57 months of service and there was no judicial action and one year unrestricted probation. The records indicated the applicant received two Letters of Reprimand and one Letter of Counseling for misconduct to include receiving a ticket for failing to stop at a stop sign and then not notifying his supervisor, speeding on base four times in a 10 month period, and for being arrested by civilian authorities for felony burglary of a vehicle and grand theft. The records indicate that applicant pleaded no contest at his final court appearance and was sentenced to two years probation with no restrictions. Additionally, applicant waived his right to an administrative discharge board, contingent on his receiving no less than a General discharge. The Board opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior and the fact that his civilian conviction sentence was unrestricted probation was without merit. The Board concluded the misconduct was a significant departure from conduct expected of all military members, and 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Eglin AFB, FL on 29 Jun 05 UP AFI 36-3208, para 5.51 (Misconduct - Civilian Conviction). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 Mar 82. Enlmt Age: 18 0/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-37, E-35, G-34, M-39. PAFSC: 2A651A - Aerospace Propulsion Jet Engines Journeyman. DAS: 30 Jul 04.

b. Prior Sv: (1) AFRes 28 Mar 00 - 28 Aug 00 (5 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Aug 00 for 6 yrs. Svd: 04 Yrs 10 Mo 01 Das, of which AMS is 04 yrs 09 months 29 days (excludes 2 days lost time).

b. Grade Status: SrA - 13 Feb 03  
A1C-(EPR Indicates): 29 Aug 00-29 Apr 02.

c. Time Lost: 24 Oct 04 thru 25 Oct 04 (2 days).

d. Art 15's: None.

e. Additional: LOR, 23 MAR 05 - Convicted in Civil Court of Grand Theft and Burglary of an Unoccupied Conveyance(vehicle).  
LOR, 23 APR 02 - Cited for speeding.  
RIC, 04 NOV 01 - Cited for failing to stop for a stop sign and failure to notify supervisor of this violation.

f. CM: None.

g. Record of SV: 29 Aug 00 - 29 Apr 02 Eglin AFB 4 (Initial)  
30 Apr 02 - 12 Jan 03 Eglin AFB 3 (CRO)REF  
13 Jan 03 - 12 Jan 04 Eglin AFB 4 (Annual)  
13 Jan 04 - 12 Jan 05 Eglin AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, GWOTSM.

i. Stmt of Sv: TMS: (05) Yrs (02) Mos (29) Das  
TAMS: (04) Yrs (09) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 04 Nov 05.  
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 57 months of service which there was no judicial action and one year unrestricted probation.

**ATCH**

1. DD Forms 214 (Member 4 & 1).
2. American Legion Cover Letter.

16DEC05/ia



**DEPARTMENT OF THE AIR FORCE**  
33RD AIRCRAFT MAINTENANCE SQUADRON (ACC)  
EGLIN AFB, FLORIDA 32542

25 Apr 05

MEMORANDUM FOR SrA: [REDACTED]

FROM: 33 AMXS/CC

SUBJECT: Notification Memorandum --Board Hearing

1. I am recommending your discharge from the United States Air Force for Misconduct: Civilian Conviction. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.51. 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 or about 24 October 2004, at Okaloosa Island in Fort Walton Beach, Florida, you were arrested by civilian authorities for felony burglary of a vehicle and grand theft. For this offense you were placed in civilian confinement for 2 days, subsequently released on your own recognizance, and placed under pretrial supervision by Okaloosa County. You were later convicted of Grand Theft and Burglary of an Unoccupied Conveyance, both second-degree felonies. For this offense you received a letter of reprimand, dated 23 March 2005.
3. I am also forwarding the following information to the separation authority for consideration when determining your service characterization:
  - a. On or about 21 April 2002, you were cited for speeding. For this offense you received a letter of reprimand, dated 23 April 2002.
  - b. On 8 September 2001, you were cited for failing to stop for a stop sign and failed to notify your supervisor. For this offense you received a letter of counseling, dated 4 Oct 2001.
4. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) Discharge. I am recommending that you receive an Under Other Than Honorable Conditions (UOTHC) 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 and any special pay, bonus, or education assistance funds may be subjected to recoupment.
5. 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.
6. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.
7. 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 904 N. 2nd Street, on 26 APR 05, at 1000 hours. You may consult civilian counsel at your own expense.
8. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me **within 7 duty days** unless you request and receive an extension for good cause shown. I will send them to the separation authority.
9. 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.
10. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on 29 APR 05 at 1330 hours.
11. After your briefing, you are to report to the 96th Traffic Management Office with your authorized letter from separations to schedule your TMO pickup.
12. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on 28 APR 05 at 1300 hours.
13. You have been scheduled for a medical examination. You must report to 96 MDG Force Health Management, 307 Boatner Rd. on 26 APR 05, at 0715 hours for the examination.
14. 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 your orderly room.

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

[Redacted Signature Area]

Commander

Attachments:  
Supporting Documents