

<b>AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD</b>									
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>					GRADE  AMN		AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		
TYPE GEN		PERSONAL APPEARANCE			<b>X</b>		RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES      No									
		<b>X</b>							
MEMBER SITTING					VOTE OF THE BOARD				
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					HON	GEN	UOTHC	OTHER	DENY
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.10</b>			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				
HEARING DATE <b>24 Aug 2006</b>		CASE NUMBER <b>FD-2005-00457</b>			TAPE RECORDING OF PERSONAL APPEARANCE HE				
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.									
SIGNATURE OF RECORDER					SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT					DATE: 8/30/2006				
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-2005-00457**

**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:**

Issue 1. Applicant contends discharge was inequitable because he was a victim of downsizing and it was too harsh. The records indicated the applicant received an Article 15, a Vacation, three Letters of Reprimand (LOR's), two Records of Individual Counseling and twelve squadron letters/Memorandums for Record for misconduct. Applicant received an Article 15 for failing to obey a lawful order to assist an officer. He was punished with a suspended reduction in grade to airman, forfeiture of pay and 30 days of extra duty. The records also indicated a Vacation action on 17 Apr 92. However, the DRB did not consider this infraction since it occurred after the applicant had already been notified of pending discharge action by his commander. The three LOR's were as a result of applicant having dishonored checks. The remaining disciplinary infractions were for sleeping on duty; leaving duty place without authority; failure to pay Open Mess dues on time; dishonored checks; disarming smoke alarm in dorm room; and failure to follow instructions. 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 applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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

[REDACTED] (Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McGuire AFB, NJ on 21 May 92 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Jan 70. Enlmt Age: 17 11/12. Disch Age: 22 3/12. Educ: HS DIPL. AFQT: N/A. A-79, E-63, G-53, M-34. PAFSC: 98150 - Dental Assistant Specialist. DAS: 18 Sep 90.

b. Prior Sv: (1) AFRes 21 Jan 88 - 14 Nov 88 (9 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Nov 88 for 4 yrs. Extended 5 Jul 90 for 11 months. Svd: 03 Yrs 06 Mo 07 Das, all AMS.

b. Grade Status: Amn - 25 Mar 92 (Vacation of Article 15, 17 Apr 92)  
A1C - 15 Mar 90  
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 17 Apr 92, Vacation, RAF Upper Heyford, UK - Article 86. You, did, on or about 14 Apr 92, without authority, go from your appointed place of duty, to wit: building 582, Emergency Room. Reduction to Airman. (No appeal) (No mitigation)

(2) 25 Mar 92, RAF Upper Heyford, UK - Article 91. You, having received a lawful order from TSgt [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, to assist Maj (Dr.) [REDACTED] through the remainder of the morning, an order which it was your duty to obey, did, on or about 17 Mar 92, willfully disobey the same. Suspended reduction to Airman. Forfeiture of \$100.00 pay per month for two months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: SGQ LTR, 17 APR 92 - Left duty without authority.  
LOR, 05 MAR 92 - Dishonored check.  
JAN 92 - Failure to pay Open Mess dues on time.  
MFR, 17 JAN 92 - Sleeping on duty.  
SSF LTR, 14 JAN 91 - Dishonored check.

SGQF LTR, 13 JAN 92 - Dishonored check.  
 SGQF LTR, 06 DEC 91 - Dishonored check.  
 LOR, 21 NOV 01 - Dishonored check.  
 NOV 91 - Failure to pay Open Mess dues on time.  
 SGQF LTR, 13 MAY 91 - Dishonored check.  
 SGQ LTR, 15 FEB 91 - Failure to pay Open Mess dues on time.  
 03 FEB 91 - Dishonored check.  
 RIC, 31 JAN 91 - Disarming smoke alarm in dorm room.  
 LOR, 22 JAN 91 - Dishonored check.  
 MFR, 16 JAN 91 - Failure to follow instructions.  
 RIC, 13 NOV 90 - Leaving duty section without permission,  
 returning to duty late, and arriving for  
 Commander's Call 20 minutes late.  
 SSI LTR, 08 NOV 90 - Dishonored check.  
 18 Oct 90 - Dishonored check.

f. CM: None.

g. Record of SV: 15 Nov 88 - 14 Jul 90 McConnell AFB 4 (Initial)  
 15 Jul 90 - 14 Jul 91 RAF Upper Heyford 3 (Annual)

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

i. Stmt of Sv: TMS: (04) Yrs (04) Mos (01) Das  
 TAMS: (03) Yrs (06) Mos (07) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 18 Nov 05.  
 (Change Discharge to Honorable)

Issue 1: I believe i (sic) was a victim of "downsizing"; the punishment i  
 (sic) received didn't fit the crime. I received an Article 15 for an argument  
 that turned into an insubordination situation. It caused me to unjustly lose my  
 G.I. Bill which I paid for.

#### ATCH

1. DD Form 214.

12JAN06/ia



DEPARTMENT OF THE AIR FORCE  
20TH TACTICAL FIGHTER WING HOSPITAL (USAFH)  
APO NEW YORK 09184-5300



REPLY TO  
ATTN OF: SGO

13 April 1992

SUBJECT: Letter of Notification

TO: A1C: [REDACTED]

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as general or honorable. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 18 October 1990 you wrote a check, to the Enlisted Open Mess, in the amount of \$80.00. The check was returned because of insufficient funds in your bank account.

b. On 9 November 1990 you were 40 minutes late back from lunch, and you reported late to commanders call. You received a Letter of Counseling dated 13 November 1990.

c. On 14 November 1990 you issued a check to the Enlisted Open Mess, in the amount of \$12.00. The check was returned because of insufficient funds.

d. On 14 December 1990 you issued a check to the Audio Store, in the amount of \$7.95. The check was returned due to insufficient funds.

e. On 15 December 1990 you wrote a check to AAFES, in the amount of \$11.45, without having sufficient funds in your account.

f. On or about 11 January 1991, you moved out of your assigned dormitory room without permission. On 16 January 1991 you were ordered, by the First Sergeant, to return. A memo for record was placed in your PIF.

g. On divers occasions you issued checks to various agencies and failed to maintain sufficient funds in your account. You received a Letter of Reprimand dated 22 January 1991.

h. On 28 January 1991 it was discovered that you had tampered with the smoke alarm in your dormitory room by taping down the reset button. You received a Letter of Counseling dated 31 January 1991.

i. On 3 February 1991 you wrote a check, in the amount of \$22.66, to AAFES, without having sufficient funds in your account. On 7 February 1991 your checking account was closed, and on 11 February 1991 you attended a Personal Financial Management Counseling appointment.

j. On or about 15 February 1991 you failed to pay your NCO Club dues, \$235.50, on time. Your charge privileges were suspended for 90 days.

k. On or about 28 October 1991 you wrote a check in the amount of \$27.25, to AAFES. You received a Letter of Reprimand dated 21 November 1991.

l. In November 1991 you failed to pay your NCO Club dues, \$23.20, on time. You were counseled by MSgt [redacted], Dental Clinic Superintendent.

m. In January 1992, you failed to pay your NCO Club dues, \$46.20, on time. Your charging privileges were suspended.

n. On or about 17 January 1992, you fell asleep during patient treatment. You were counseled by your supervisor and it was suggested you see a physician.

o. On or about 4 March 1992, you had an unauthorized overdraft at Merchants Bank in the amount of \$22.69. You received a letter of reprimand from the first sergeant.

p. On or about 18 March 1992, you failed to obey the order of TSgt [redacted] Henesy, your supervisor, to return to work with Dr [redacted]. You received and Article 15, suspended reduction, forfeiture of pay and 30 days extra duty.

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. 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. An appointment has been made for you to consult the Area Defense Counsel: 15 April 1992, 0830 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 NLT COB on the third workday after you sign the receipt for this letter, 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 rights to do so.

6. You have been scheduled for a medical examination. You must report to the 20th Medical Group Hospital Physical Examinations Section, at 0730 hours on 16 April 1992.

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 orderly room.

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



Commander, Medical Squadron