

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE		AFSN/SSAN	
SRA		X		RECORD REVIEW	
PERSONAL APPEARANCE		ADDRESS AND OR ORGANIZATION OF COUNSEL			
NAME OF COUNSEL AND OR ORGANIZATION		VOTE OF THE BOARD			
COUNSEL		HON			
YES		GEN			
No		UOTHC			
X		OTHER			
MEMBER SITTING		DENY			
ISSUES		EXHIBITS SUBMITTED TO THE BOARD			
A94.05		1 ORDER APPOINTING THE BOARD			
INDEX NUMBER		2 APPLICATION FOR REVIEW OF DISCHARGE			
A67.10		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		CASE NUMBER			
24 Aug 2006		FD-2005-00500			
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: 8/28/2006			
TO:		FROM:			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		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-2005-00500
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE:</p> <p>Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He contends that he was brought into OSI, read his rights and finger printed for a crime he did not commit. He contends that his records should only indicate that he received a Letter of Reprimand. A review of his records indicated he received six Letters of Reprimand (LOR's), a Letter of Admonishment (LOA), a Memorandum for Record (MFR) and a Record of Individual Counseling (RIC) for misconduct. His LOR's were for financial irresponsibility; assault, mutual affray and damage to personal property; being late to work on three occasions; dereliction of duty; and conduct unbecoming of an Air Force member and prejudicial to good order and discipline. The LOA, MFR, and RIC were for being late for duty on two occasions; leaving detail early without permission; and financial irresponsibility. 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.</p> <p>If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

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 Hickam AFB, HI on 15 Aug 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 3 Dec 72. Enlmt Age: 20 3/12. Disch Age: 24 8/12. Educ: HS DIPL. AFQT: N/A. A-40, E-43, G-44, M-21. PAFSC: 3P051 - Security Journeyman. DAS: 27 Feb 95.

b. Prior Sv: (1) AFRes 29 Mar 93 - 15 Apr 93 (18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Apr 93 for 4 yrs. Extended on 22 Sep 94 for 23 months. Svd: 04 Yrs 04 Mo 00 Das, all AMS.

b. Grade Status: SrA - 16 Apr 96
A1C - 16 Aug 94
Amn - 16 Oct 93

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR/UIF, 11 JUL 97 - Conduct unbecoming an Air Force member and prejudicial to good order and discipline.

MFR/UIF, 16 MAY 97 - Leaving detail early without permission.

LOR/UIF, 14 MAY 97 - Dereliction of duty.

CR, 24 MAR 97 - History of financial irresponsibility.

LOR/UIF, 10 MAR 97 - Financial irresponsibility.

LOR, 14 JAN 97 - Late for work on three occasions.

RIC, 14 JAN 97 - Financial irresponsibility.

LOA, 21 NOV 96 - Late for duty on two occasions.

LOR, 20 AUG 96 - Assault, Mutual Affray, and Damage to personal property.

LOR, 14 JUL 96 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 16 Apr 93 - 15 Dec 94 Barksdale AFB 5 (Initial)
16 Dec 94 - 15 Dec 95 Hickam AFB 4 (Annual)
16 Dec 95 - 15 Dec 96 Hickam AFB 5 (Annual)

h. Awards & Decs: AFOUA, AFGCM, AFOSLTR, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (04) Yrs (04) Mos (18) Das
TAMS: (04) Yrs (04) Mos (00) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 22 Dec 05.
(Change Discharge to Honorable)

Issue 1: I was brought in to OSI and was read my rights and fingerprinted for a crime I didn't commit. OSI sent those fingerprints in to police records which reflects that I have been convicted of a felony while serving in the USAF. There is no evidence nor was there any ever discovered or produced. There are no records to show that I was ever even court-martialed because I wasn't. Records should indicate that all I received was an Letter of Reprimand (LOR).

All the LOR indicates for the satisfaction of superiors is that I was involved in actions unbecoming of an Air Force member. As well, I was placed under investigation for a time period of three months no evidence was ever found or presented. I returned to duty only to receive a letter of reprimand and an (sic) General Discharge (Under Honorable Conditions) instead of an apology. I will acknowledge that this should have been done years ago seeing that it has had an (sic) great impact on my life and family along with the fact that my record indicates that I served my country extremely well. I believe after the board reviews all avenues of my record you will see that I very well deserve an upgrade to an Honorable Discharge.

ATCH
None.

14FEB06/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD2005-00500

28 JUL 1997

MEMORANDUM FOR SrA: [REDACTED] 15 SFS

FROM: 15 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. 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 11 Jul 97, you received a Letter of Reprimand (LOR) for conducting yourself in a manner which was unbecoming an Air Force member and prejudicial to good order and discipline (Atch 2). This information was also entered into your existing Unfavorable Information File (UIF) on 18 Jul 97 (Atch 3).

b. On 8 May 97 and 13 May 97, you left the Landscape Detail early and falsely recorded on the "Sign Out Log" the actual time you left. On 14 May 97, you left 15 minutes early for lunch without permission. For these offenses, a Memorandum For Record was accomplished, dated 16 May 97 (Atch 4) and this information was entered into your existing UIF on 13 Jun 97 (Atch 5).

c. On 17 Apr 97, you failed to take appropriate corrective action regarding the tire of the vehicle that was assigned to you. For this offense, you received an LOR, dated 14 May 97 (Atch 6) and this information was entered into your existing UIF on 13 Jun 97 (Atch 7).

d. On 3 Mar 97, you were delinquent in the amount of \$858.16 on your car payment. Also, you had an outstanding balance in the amount of \$120 for your cable bill. For these offenses, you received an LOR (Atch 8), dated 10 Mar 97, and a UIF was established on 24 Mar 97, and you were placed on the Control Roster (Atch 9).

e. On 11 Jan 97, you failed to show up to work on time. For this offense, you received an LOR, dated 14 Jan 97 (Atch 10). This was your third such offense.

f. On 14 Jan 97, you received a Letter of Counseling (LOC), for financial irresponsibility. Specifically, you were \$155.00 past due on your NEXCARD (Atch 11).

g. On 18 Nov 96, you failed to show up to work on time. For this offense, you received a Letter of Admonishment (LOA), dated 21 Nov 96 (Atch 12).

h. On 17 Jul 96, you assaulted your wife and was charged with Assault, Mutual Affray, and Damage to Personal Property. For this offense, you received an LOR, dated 20 Aug 96 (Atch 13).

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 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: _____, Area Defense Counsel, DSN 449-2149, on ~~29~~ Jul 97 at 1000 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 3 workdays, by 1 Aug 97, unless you request and receive an extension for good cause shown. I will send 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. 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.



Commander, 15th Security Forces Squadron

Attachments:

1. Airman's Receipt of Notification Memorandum
2. LOR, dated 11 Jul 97
3. AF Form 1058, dated 18 Jul 97
4. MFR, dated 16 May 97
5. AF Form 1058, dated 13 Jun 97
6. LOR, dated 14 May 97
7. AF Form 1058, dated 13 Jun 97
8. LOR, dated 10 Mar 97
9. AF Form 1058, dated 24 Mar 97
10. LOR, dated 14 Jan 97
11. LOC, dated 14 Jan 97
12. LOA, dated 21 Nov 96
13. LOR, dated 20 Aug 96
14. LOR, 14 Jul 96