

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE A1C	AFSN/SSAN []
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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				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

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

ISSUES A94.05	INDEX NUMBER A64.00	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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 HE
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HEARING DATE 28 Sep 2006	CASE NUMBER FD-2006-00014
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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.

[]	
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ENDORSEMENT		DATE: 10/2/2006
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

FD-2006-00014

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:

Although not explicitly stated, the applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a Letter of Reprimand, and a Record of Individual Counseling for misconduct. The applicant was administratively disciplined with a Letter of Reprimand for a civilian conviction of shoplifting. He also received a Record of Individual Counseling for two speeding violations. He was further disciplined with an Article 15 for hindering the apprehension of his wife by driving her away from the scene of the incident, knowing that she had committed an offense punishable by UCMJ (Larceny). He was punished with a reduction to airman first class, forfeiture of pay and forty-five days of extra duty. 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.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Minot AFB, ND on 22 Oct 91 UP AFR 39-10, para 5-47a (Misconduct - Discreditable Involvement With Military or Civil Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Nov 68. Enlmt Age: 17 10/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-65, E-62, G-64, M-89. PAFSC: 45852 - Aircraft Structural Maintenance Specialist. DAS: 31 Oct 87.

b. Prior Sv: (1) AFRes 24 Sep 86 - 9 Jul 87 (9 months 16 days) (Inactive).

(2) Enlisted as AB 10 Jul 87 for 4 yrs. Svd: 3 yrs 3 months 21 days, all AMS. SRA - 10 Jul 90. No other promotion dates available. APRs: 8. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 2 Nov 90 for 6 yrs. Svd: 00 Yrs 11 Mo 20 Das, all AMS.

b. Grade Status: A1C - 30 Sep 91 (Article 15, 30 Sep 91)

c. Time Lost: None.

d. Art 15's: (1) 30 Sep 91, Minot AFB, ND - Article 78. Preliminary investigation has disclosed that you, knowing that [REDACTED]; your wife, had committed an offense punishable by the Uniform Code of Military Justice, to wit: larceny, did, on or about 7 Sep 91, in order to hinder the apprehension of [REDACTED]; assist her by driving her away from the scene of the incident. Reduction to A1C, forfeiture of \$150.00 pay per month for one month, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 26 JUN 91 - Two speeding violations.
LOR/UIF/CR, 9 JAN 91 - Civilian conviction for shoplifting.

f. CM: None.

g. Record of SV: 10 Jul 90 - 9 Jul 91 Minot AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, AFGCM, NCOPMER.

i. Stmt of Sv: TMS: (05) Yrs (00) Mos (29) Das
TAMS: (04) Yrs (03) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Jan 06.
(Change Discharge to Honorable)

Issue 1: The reason in which I recieved (sic) a general discharge was due to an incident my wife caused therefor I would like my discharge to reflect the service I did to my country and not a incident my wife caused.

ATCH
None.

17MAR06/ia

FD2006-00014



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH WING (SAC)
MINOT AIR FORCE BASE, NORTH DAKOTA 58705-5000

4 OCT 1991

REPLY TO
ATTN OF: 5 FMS/CC

SUBJECT: Letter of Notification - AFR 39-10, Para 5-47a

TO: AIC [redacted], 5th Field Maintenance Squadron

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, more specifically, discreditable involvement with military and civil authorities. The authority for this action is AFR 39-10, paragraph 5-47a. If my recommendation is approved, your discharge 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 26 December 1990, you shoplifted about \$154.00 worth of merchandise from a Minot department store. You plead guilty in civil court and you were fined \$100.00. You also received a letter of reprimand with unfavorable information file/control roster entries on 9 January 1991.

b. On 21 June 1991, you were cited by Base Security Police for exceeding the posted speed limit. For this offense and for a previous speeding violation, you received a verbal counseling on 26 June 1991.

c. On or about 7 September 1991, you hindered the apprehension of your spouse for shoplifting by driving her away from the scene of the incident. For this offense, you received nonjudicial punishment on 30 September 1991.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction (5 WG/CC) 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. I have made an appointment for you to consult Capt [redacted], Area Defense Counsel, at his office, Bldg 475, Room 306A, at 1000hs hours on 7-Oct 1991. 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 by 1600 hours on 9-Oct 1991 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. You have been previously scheduled for a physical examination.

Peace is our Profession

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 8. 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, 5 FMS

2 Atchs

1. Documents Supporting Discharge
 - a. LOR, UIF/CR, 9 Jan 91
 - b. LOC, 26 Jun 91
 - c. AF Fm 3070, 30 Sep 91
2. Airman's Receipt of Letter of Notification