

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 SSGT	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE UOTH	X	PERSONAL APPEARANCE	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 A94.55 A85.07	INDEX NUMBER A72.00 A76.10	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 02 May 2006	CASE NUMBER FD-2006-00036	
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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 <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>
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INDORSEMENT	DATE: 6/16/2006
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00036

GENERAL: The applicant appeals for upgrade of discharge to General.

The applicant appeared and testified before the Discharge Review Board (DRB) without counsel at Andrews AFB on 02 May 2006.

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 it was based on an isolated incident. The records indicated the applicant was charged with multiple larcenies using a government credit card totaling approximately \$2500.00 and related false official statements. The Board took into account the applicant's length of service and documented training regarding the proper use of a government credit card and 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. Applicant states that his discharge did not take into account the good things he accomplished while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct carried out by the applicant offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3. Applicant contends impropriety regarding allegations made by persons regarding abuse of the AF leave system. The review of the records shows that these allegations were not substantiated. The Board concluded that there was no basis to substantiate any impropriety.

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 SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF Bolling AFB, DC on 29 Jul 98 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 12 Sep 66. Enlmt Age: 17 11/12. Disch Age: 31 10/12. Educ: HS DIPL. AFQT: N/A. A-68, E-42, G-46, M-25. PAFSC: 3A071 - Information Management Craftsman. DAS: 26 Nov 77.

b. Prior Sv: (1) AFRes 11 Sep 84 - 13 Jan 85 (4 months 3 days) (Inactive).

(2) Enlisted as A1C 14 Jan 85 for 4 yrs. Reenlisted as Sgt 15 Feb 88 for 4 yrs. Extended 19 Jun 90 for 5 months. Svd: 6 yrs 9 months 14 days, all AMS. SrA - 14 Nov 86. Sgt - 14 Nov 87. SSgt - 1 Jun 91. APRs: 9,9,9,7,9,7,9. EPRs: 4,5,5,5.

ART 15: (1) 7 Jun 88, Clark AB, Philippines - Article 128. In that you did, on or about 9 May 88, unlawfully assault, A1C [redacted], by grabbing his hair and cutting it. Suspended reduction to A1C. Forfeiture of \$150.00 pay per month for two months and ordered to undergo 30 days correctional custody. (No appeal) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 25 Oct 91 for 6 yrs. Svd: 06 Yrs 09 Mo 04 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: 03 Sep 91 - 28 May 92 Incirlik AB 5 (CRO)
 29 May 92 - 28 May 93 ROTC Det VA 5 (Annual)
 29 May 93 - 28 May 94 ROTC Det VA 5 (Annual)
 29 May 94 - 28 May 95 ROTC Det VA 5 (Annual)
 29 May 95 - 20 Jan 96 ROTC Det VA 5 (CRO)
 21 Jan 96 - 20 Jan 97 Pentagon 5 (Annual)

h. Awards & Decs: JSAM, AFAM W/2 OLCS, AFCM W/1 OLC, AFLSAR W/2 OLCS, AFTR, SWASM W/2 OLCS, AFOSSTR, AFOSLTR, NDSM, HSM, NCOPMER W/1 OLC, AFOUA W/1 OLC, JMUA, AFOEA, AFGCM W/3 OLCS.

i. Stmt of Sv: TMS: (13) Yrs (10) Mos (19) Das
TAMS: (13) Yrs (06) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Jan 06.
(Change Discharge to General)

Issue 1: Request discharge be upgraded to General. My discharge was inequitable because it was based upon an isolated incident within 13 1/2 years of service with no other adverse action.

ATCH

1. DD Form 214.
2. Seven Airman Performance Reports.
3. Ten Enlisted Performance Reports.
4. Awards and Medals (1985-1997).
5. Letters of Appreciation/Commendations (1985-1997).
6. College Transcripts.
7. Military Personnel File.

9MAR06/ia

*impropriety
false allegations*



DEPARTMENT OF THE AIR FORCE

11TH WING

17 JUL 1998

MEMORANDUM FOR 11 SPTG/CC

FROM: 11 MSS/CC

SUBJECT: Request of Discharge in Lieu of Trial by Court-Martial-SSgt [redacted]

1. IAW AFI 36-3208, paragraph 4.4.1, I recommend that the attached request for discharge be approved for the following reasons:

a. The charges against SSgt [redacted]-multiple larcenies using a government credit card totaling approximately \$2,500 and related false official statements--constitute serious misconduct and should be dealt with firmly. A discharge under other than honorable conditions (UOTHC) is a stiff penalty for a Staff Sergeant with 13 years of service and is appropriate for the charged offenses.

b. The evidence against SSgt [redacted] shows he cannot be trusted. If he cannot be trusted, he is unfit to serve in the Air Force. Granting a UOTHC discharge will guarantee that SSgt [redacted] does not remain on active duty. There is no such guarantee if the case is sent to a court-martial.

c. Only after the investigation of these offenses began did SSgt [redacted] reimburse the U.S. government for the unauthorized charges he made with the government credit card.

2. If this request is approved, I strongly recommend that SSgt [redacted] be discharged under other than honorable conditions.

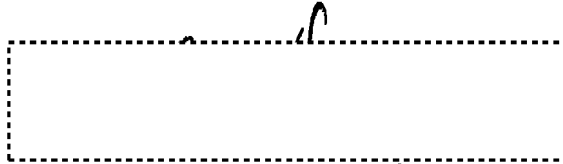
3. SSgt [redacted]

- a. Is not under investigation.
- b. Is not awaiting action under AFIs 36-2503 and 36-2902 or another section of AFI 36-3208.
- c. Is not awaiting result of trial.
- d. Is not absent without authority.
- e. Is not absent in the hands of civil authorities.
- f. Has not been referred to a medical facility for examination.
- g. Is not in default with respect to public property or public funds.
- h. Has not completed 16 or more years of active military service.
- i. Is not accountable or responsible for public property or funds.

- j. Has not received special pay, bonuses, or education assistance.
- 4. There has not been a report of recent misconduct.
- 5. Court-martial charges have been preferred. Attached are:
 - a. A copy of the charges, DD Form 458.
 - b. A copy of the Report of Investigation
- 6. Charges have been referred for trial.
- 7. At the time of the misconduct, SSgt [] did not have a mental disease or defect that caused him to lack the capacity either to appreciate the criminality (wrongfulness) of the acts, or to conform to the law. SSgt [] presently has the capacity to understand the nature of the proceedings and to assist in his defense.
- 8. SSgt [] does not hold a Reserve of the Air Force appointment as a commissioned or warrant officer.
- 9. Information from the military record follows:
 - a. Date and term of current enlistment: 25 Oct 91, 6 years/15 month extension
 - b. TAFMSD: 14 Jan 85
 - c. Date of prior service: 14 Jan 85
 - d. Date of birth: 12 Sep 66
 - e. Date assigned unit: 26 Nov 97
 - f. Current grade: E-5; Date of rank: 1 Apr 91
 - g. No demotion actions. Demotion was not considered for this misconduct because SSgt [] conduct warrants discharge from the service rather than retention in a lower grade.
 - h. Record of disciplinary actions: Article 15, 7 Jun 88, Violation of Article 128, UCMJ, assault by grabbing another airman's hair and cutting it, suspended reduction from Sgt to A1C, forfeiture of \$150 per month for two months.
 - i. See attached copies of EPRs for ratings.
 - j. Awards: AF Commendation Medal (1 OLC); AF Achievement Medal (2 OLC); Joint Service Achievement Medal; NCO Professional Military Education Ribbon (1 OLC); Humanitarian Service Medal; National Defense Service Medal; AF Overseas Service LT Ribbon; AF Overseas Service ST Ribbon; SW Asia Service Medal (2 OLC); AF Training Ribbon; AF Longevity Service Award (2 OLC); AF Excellence Award; Joint Meritorious Unit Award; AF Outstanding Unit Award (1 OLC).

k. Derogatory data: None.

l. Medical or other data meriting consideration: None.



Commander, 11th Mission Support Squadron

Attachments:

1. Request for Discharge
2. Charge Sheet
3. EPRs
4. Report of Investigation