

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []		GRADE AB	AFSN/SSAN []			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[]						X
						X
						X
						X
						X
ISSUES	A93.01	INDEX NUMBER	A67.10			
		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 IIE			
HEARING DATE	CASE NUMBER					
22 Sep 2006	FD-2006-00074					
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>						
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
[]			[]			
ENDORSEMENT			DATE: 9/25/2006			
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-2006-00074

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. Although not explicitly stated, the applicant contends that he should not be penalized indefinitely for mistakes he made when young. The DRB recognized the applicant was 22 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The records indicated the applicant received two Article 15's, a Vacation, and a Letter of Reprimand for misconduct. He was disciplined with a Letter of Reprimand for financial irresponsibility. The first Article 15 was for making a false official statement concerning payments on his American Express government travel card. He was punished with a suspended reduction to airman and a reprimand. The Vacation action was for failure to pay his debt to American Express. His second Article 15 was for failure to go. He was reduced in grade to airman basic. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on September 3, 1992) that he understood he must receive an Honorable discharge to receive future educational entitlements. 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**

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Moody AFB, GA on 14 Nov 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 May 73. Enlmt Age: 19 3/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-48, E-55, G-50, M-38. PAFSC: 1C032 - Operations Resource Management Apprentice. DAS: 19 Oct 92.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Aug 92 for 4 yrs. Svd: 03 Yrs 02 Mo 20 Das, all AMS.

b. Grade Status: AB - 28 Sep 95 (Article 15, 28 Sep 95)
Amn - 24 Feb 95 (Vacation of Article 15, 19 Apr 95)
A1C - 25 Dec 93
Amn - 25 Feb 93

c. Time Lost: None.

d. Art 15's: (1) 28 Sep 95, Moody AFB, GA - Article 86. You did, on or about 12 Sep 95, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 8223, Knights Way, Moody AFB, GA. Reduction to AB. (Appeal/Denied) (No mitigation)

(2) 19 Apr 95, Vacation, King Abdul Aziz AB, Saudi Arabia - Article 134. You did, being indebted to American Express in the sum of \$1,573.65 for Government American Express Card Account, which amount became due and payable on or about 15 Feb 95, did, from 15 Feb 95, to 14 Apr 95, dishonorably fail to pay said debt. Reduction to Airman. (No appeal) (No mitigation)

(3) 24 Feb 95, Moody AFB, GA - Article 107. You did, on or about 10 Feb 95, with intent to deceive, make to 1Lt [REDACTED], 307 FS/CCQ, an official statement, to wit: that you had made certain payments on your American Express Government Travel Card account, by check on 1 Dec 94 and by money order on 7 Dec 94, which statement was totally false, and was then known by you to be so false. Suspended reduction to Airman and Reprimand.

15, UCMJ, dated 23 Oct 95. Punishment included a reduction to the grade of airman basic (Atch 1d).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (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 re-enlistment 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 Captain; in Bldg 5109, Room 3, on **6 Nov 95 at 1030**. Please take your copy of this Notification Memorandum and the attachments with you to your appointment. 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 **three** duty days after receipt of this notification letter, unless you request and receive an extension for good cause shown. I will send any statement(s) you submit 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 scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams Section, Bldg 3296, at **0730** on **27 Oct 95** for the examination. **This is a mandatory appointment.**

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208, is available for your use in the orderly room.

8. Execute the attached acknowledgment (Atch 2) and return it to me immediately.



Section Commander, 69th Fighter Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. LOR, 5 Dec 94
 - b. AF Form 3070, 24 Feb 95
 - c. AF Form 366, 19 Apr 95
 - d. AF Form 3070, 23 Oct 95
2. Receipt of Notification Memorandum