

**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  AMN	AFSN/SSAN  <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
COUNSEL YES      No  X		NAME OF COUNSEL AND OR ORGANIZATION  ADDRESS AND OR ORGANIZATION OF COUNSEL	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X**
					X**
					X**
					X**
					X**

ISSUES <b>A92.21</b> <b>A94.05</b>	INDEX NUMBER <b>A67.90</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE HE

HEARING DATE <b>13 Mar 2007</b>	CASE NUMBER <b>FD-2006-00187</b>	
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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.

\* Reason and Authority  
 + Reenlistment Code

<b>INDORSEMENT</b>  TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 3/20/2007  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-2006-00187**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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 too harsh. Applicant admits he made bad decisions due to immaturity. He has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received an Article 15, four Letters of Reprimand and a Memorandum for Record for misconduct. Applicant received an Article 15 for failure to go to appointed place of duty and making a false official statement. He was punished with a reduction in grade to Airman, suspended forfeiture of pay, and restriction to base for 60 days. He had additional misconduct and was administratively disciplined for dereliction of duty, making a false official statement, financial irresponsibility, and missing formation. 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 DRB was pleased to see that the applicant was doing well and continuing with his education. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Issue 3. 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 February 8, 1995) 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Grand Forks AFB, ND on 5 Sep 97 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 23 Oct 75. Enlmt Age: 19 1/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-46, E-60, G-55, M-21. PAFSC: 3V031 - Visual Information Apprentice. DAS: 17 Jun 95.

b. Prior Sv: (1) AFRes 5 Dec 94 - 25 Jan 95 (1 month 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Jan 95 for 4 yrs. Svd: 02 Yrs 07 Mo 10 Das, all AMS.

b. Grade Status: Amn - 8 Oct 96 (Article 15, 8 Oct 96)  
A1C - 26 Jun 96  
Amn - 26 Jul 95

c. Time Lost: None.

d. Art 15's: (1) 8 Oct 96, Grand Forks AFB, ND - Article 86. You did, on or about 16 Sep 96, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 533. Article 107. You did, on or about 15 Sep 96, with intent to deceive, make to SrA [REDACTED], an official statement, to wit: that you had a dental appointment at 0730 hours on 16 Sep 96 and that you would report to work once you were finished, which statement was totally false, and was then known by you to be so false. Reduction to Airman. Suspended forfeiture of \$200.00 pay per month for 2 months. Restriction to Grand Forks AFB, North Dakota, for 60 days. (Appeal/Granted) (No appeal) (No mitigation)

e. Additional: LOR, 14 JUL 97 - Dereliction of duty.  
MFR, 10 JUL 97 - Missed Formation.  
LOR/UIF, 30 AUG 96 - Financial irresponsibility.  
LOR/UIF/CR, 10 FEB 96 - Making a false official statement.  
LOR/UIF/CR, 10 FEB 96 - Dereliction of duty.

f. CM: None.



Commander, 319 CS

**Attachments**

- a. Letter Authorizing P&R dated 18 Nov 96
- b. Conditions of P&R Fact Sheet
- c. LOR dated 14 Jul 97
- d. MFR dated 10 Jul 97



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 319TH AIR REFUELING WING (AMC)  
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

FD 2006-00187

MEMORANDUM FOR AMN [REDACTED]

5/16/96

FROM: 319 CS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208 in accordance with paragraph 5.50.2. 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 or about 16 Sep 96, you failed to go at the time prescribed to your appointed place of duty. On or about 15 Sep 96, you made a false official statement with intent to deceive SrA [REDACTED] by telling him you had a dental appointment on 16 Sep 96, which was a statement known by you to be false. For this misconduct, you were punished under Article 15 on 8 Oct 96. Punishment consisted of reduction to Airman, 60 days restriction to Grand Forks AFB, ND, and a suspended forfeiture of \$200 pay per month for two months. (Attachment A)

b. On or about 8 Jul 96 and on or about 12 Jul 96, you made unauthorized cash advances on you Government American Express charge card. For this misconduct, you received a LOR dated 30 Aug 96 and an Unfavorable Information File (UIF) entry was made. (Attachment B)

c. On or about 4 Dec 95, you made a false official to Investigator [REDACTED] in that you had been assaulted. For this misconduct, you received a LOR dated 10 Feb 96, a UIF entry was made, and you were placed on the Control Roster. (Attachment C)

d. On divers occasions between on or about 1 Jul 95 and on or about 30 Sep 95, you attended parties where military members used marijuana and failed to report this to military authority. For this misconduct, you received a LOR dated 10 Feb 96, a UIF was established and you were placed on the Control Roster. (Attachment D)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or 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 and will probably be denied enlistment in any component of the armed forces.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 216 on 5 NOV 96 at 0900 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 8 NOV 96 at 0800 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. 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.
7. You have been scheduled for a medical examination. You must report to the 319th Medical Group on 8 NOV 96 at 07:30 hours for the examination.
8. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFI 36-3001, paragraph 4.2. You will report to me by COB 6 NOV 96, to verify that issuance of Temporary Identification Card(s) has been accomplished.
9. 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 squadron orderly room.
10. Execute the attached acknowledgment and return it to me immediately.



Commander, 319 CS

4 Attachments:

1. Privacy Act Statement
2. Supporting Documents
  - a. Article 15 dated 8 Oct 96
  - b. LOR/UIF dated 30 Aug 96
  - c. LOR/UIF/CR dated 10 Feb 96
  - d. LOR/UIF/CR dated 10 Feb 96
3. Respondents Data
4. Personnel Data