

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

A1C

AFSN/SSAN

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

X

MEMBER SITTING

VOTE OF THE BOARD

NON

GEN

UOTIC

OTHER

DENY

X

X

X

X

X

ISSUES

A93.07

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 HE

HEARING DATE

08 Feb 2007

CASE NUMBER

FD-2006-00214

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.

ENDORSEMENT

DATE: 2/12/2007

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**

CASE NUMBER

**FD-2006-00214**

**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:**

Applicant contends many of the problems he was having were due to his marriage. These problems have been resolved and he has requested an upgrade of his discharge to allow for reenlistment into the armed forces. Unfortunately, applicant's discharge processing files were unavailable to the Board for review due to being missing from the record. Because applicant's discharge file was unavailable to the Board for review, the Board was unable to conclusively ascertain the nature of misconduct on applicant's part that formed the basis for the discharge. The Board also could not determine if applicant consulted counsel or submitted statements in his own behalf at the time of the discharge. When requested to provide any pertinent information he may have about the discharge file or his record of service, applicant advised he did not have any relevant information. Since there is no evidence to substantiate any inequities or improprieties, the Board relies on the presumption of regularity and finds the discharge proper and without basis for 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

[REDACTED] (Former A1C) (HGH SRA)

MISSING DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Beale AFB, CA on 25 Jun 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Aug 72. Enlmt Age: 20 8/12. Disch Age: 26 10/12. Educ: HS DIPL. AFQT: N/A. A-51, E-50, G-66, M-49. PAFSC: 3P051 - Security Journeyman. DAS: 13 May 99.

b. Prior Sv: (1) AFRes 5 May 93 - 8 Feb 94 (9 months 4 days) (Inactive).

(2) Enlisted as AB 9 Feb 94 for 4 yrs. Svd: 3 yrs 4 months 20 days, all AMS. AMN - Unknown. A1C - Unknown. SrA - 9 Feb 97. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 30 Jun 97 for 6 yrs. Svd: 01 Yrs 11 Mo 25 Das, all AMS.

b. Grade Status: A1C - 4 Feb 98 (Article 15, 4 Feb 98)

c. Time Lost: None.

d. Art 15's: (1) 11 Jun 99, McClellan AFB, CA - Article 134. You, being indebted to Fratcher Auto Body in the sum of \$865.00 for vehicle repairs, which amount became due and payable on or about 7 Apr 98, did within the state of California, from 7 Apr 98 to 28 May 99, dishonorably fail to pay said debt. Suspended reduction to Airman. Restricted to Beale AFB, CA for 60 days. (No appeal) (No mitigation)

(2) 4 Feb 98, McClellan AFB, CA - Article 113. You were, on or about 8 Jan 98, while on post as a gate guard at Mather Hospital, found sleeping. Reduction to Airman (below A1C suspended). Forty five days extra duty (30 days suspended). (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 9 Oct 96 - 8 Oct 97 McClellan AFB 4 (Annual)

9 Oct 97 - 8 Oct 98 McClellan AFB 3 (Annual)REF

h. Awards & Decs: AFLSAR, AFTR, NDSM, SAEMR W/1 DEV, AFOUA.

i. Stmt of Sv: TMS: (06) Yrs (01) Mos (21) Das  
TAMS: (05) Yrs (04) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 30 May 06.  
(Change Discharge to Honorable)

Issue 1: Many of the issues pertaining to my discharge were due to problems that I was having with my marriage (sic) at the time. Since I have solved these issues and would like to be able to serve again.

**ATCH**

1. DD Form 214.

11JUL06/ia