

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

SRA

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

HON

GEN

UOTHC

OTHER

DENY

X**

X**

X**

X**

X**

ISSUES

A01.00

A95.00

INDEX NUMBER

A67.30

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

25 Jan 2007

CASE NUMBER

FD-2006-00228

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 & Authority

+ Reenlistment Code

INDORSEMENT

DATE: 2/6/2007

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-2006-00228

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. He has expressed his desire for upgrade of his discharge to allow for reenlistment into the armed forces. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant was arrested by the Colorado Springs Police Department for stealing items from a sporting goods store. He plead guilty to theft and received a deferred judgment and was ordered to perform 48 hours of useful public service within 6 months and to pay restitution within 30 days. 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 SrA) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Schriever AFB, CO on 14 Sep 99 UP AFI 36-3208, para 5.52.3 (Commission of a Serious Offense). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 20 Dec 73. Enlmt Age: 19 8/12. Disch Age: 25 8/12. Educ: HS DIPL. AFQT: N/A. A-87, E-72, G-68, M-31. PAFSC: 1C651 - Space Systems Operator Apprentice.
DAS: Mar 95.

b. Prior Sv: (1) AFRes 24 Aug 93 - 27 Mar 94 (7 months 4 days) (Inactive).

(2) Enlisted as AB 28 Mar 94 for 4 yrs. Extended 5 Feb 97 for 11 months. Extended 10 Sep 97 for 12 months. Svd: 4 yrs 4 months 1 days, all AMS. AMN - 28 Sep 94. A1C - 28 Jul 95. SrA - 28 Mar 97. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 29 Jul 98 for 4 yrs. Svd: 01 Yrs 01 Mo 16 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: 19 MAR 99 - Civil arrest and plead guilty for stealing items in excess of \$500.00.

f. CM: None.

g. Record of SV: 13 Jun 97 - 29 Sep 98 Schriever AFB 4 (Annual)

h. Awards & Decs: AFAM, AFLSAR, AFTR, AFGCM, NDSM, HSM, NCOPMER, AFEM, JMUA, SWASM W/1 OLC.

i. Stmt of Sv: TMS: (06) Yrs (00) Mos (21) Das
TAMS: (05) Yrs (05) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 07 Jun 06.

(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

Issue 1: I would like to join the Colorado Air National Guard and finish my career and with the current reentry code of 2B, I cannot enlist in the Guard.

ATCH

None.

20JUL06/ia



DEPARTMENT OF THE AIR FORCE

80TH SPACE WING (AFSPC)



23 Aug 99

MEMORANDUM FOR SRA: [REDACTED], 1 SOPS (AFSPC)

FROM: 1 SOPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for commission of a serious offense. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.52.3. 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 reason for this action is: On or about 19 Mar 99, you were arrested by the Colorado Springs Police Department for stealing items from the Jumbo Sports Store in excess of 500 dollars, (atch 1a). You plead guilty to Count 1 (Theft) and received a deferred judgement and were ordered to perform 48 hours of useful public service within 6 months and to pay restitution within 30 days. You were ordered not to move out of this county, or leave Colorado even temporarily without first obtaining express permission from the court, (atch 1b).

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 a higher authority will decide whether you will be discharged or retained in the Air Force and, if discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel is available to assist you. You must contact your Area Defense Counsel immediately. 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 within 3 workdays from the date you receive this memorandum of notification 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 Peterson AFB Clinic at 1300 hours on 23 August 1999 for the examination.

FD-2006-00228

8. 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 your unit orderly room.



Commander

Attachments:

1. Supporting Documents
 - a. Colorado Springs Offense Report, 19 Apr 99
 - b. Stipulation for Deferred Judgment and Sentence and Court Order, 27 Jul 99
2. Acknowledgment