

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE BCD	PERSONAL APPEARANCE	X	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 A94.05	INDEX NUMBER A68.00	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 FILE

HEARING DATE 22 Feb 2007	CASE NUMBER FD-2006-00241	
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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

INDORSEMENT		DATE: 2/22/2007
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	

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 and 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: Applicant contends discharge was inequitable because it was too harsh. The applicant did not receive an administrative discharge, thus his contention of inequity is not applicable. The applicant received a Bad Conduct discharge, a punitive discharge, as part of his sentence resulting from a Special Court-Martial conviction. Under the provisions of Section 1553, 10 USC, the only basis for a change of a Bad Conduct discharge is clemency. The applicant presented evidence which the DRB opined did not warrant granting clemency.

CONCLUSIONS: The Discharge Review Board concluded that the applicant's punitive discharge by Special Court-Martial is appropriate under the facts and circumstances of this case and there is insufficient basis, as an act of clemency, for change of discharge.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF Charleston AFB, SC on 20 Apr 98 UP Special Court Martial Order 3, 30 Oct 97. Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 30 Jan 77. Enlmt Age: 18 4/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-UNK, E-UNK, G-UNK, M-UNK. PAFSC: 2T231 - Air Transportation Apprentice. DAS: Unknown.

b. Prior Sv: (1) AFRes 6 Jun 95 - 25 Jul 95 (1 month 20 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Jul 95 for 4 years. Svd: 02 Yrs 08 Mo 25 Das, all AMS, of which AMS is 02 Yrs 07 Mos 28 Das (excludes 27 days lost time).

b. Grade Status: AB - 26 Sep 96 (Article 15, 26 Sep 96).
Amn - 26 Jan 96

c. Time Lost: 3 Oct 96 - 10 Oct 96 and 24 Oct 96 - 12 Nov 96 27 days time lost.

d. Art 15's: (1) 25 Sep 96, Charleston AFB, SC - Article 86. You, did, on or about 12 Sep 96, without authority, absent yourself from your organization, to wit: 437 Aerial Port Sq, located at Charleston AFB, SC, and did remain so absent until you were apprehended on or about 14 Sep 96. Reduction to AB. Restriction to Charleston AFB for 30 days and 15 days extra duty. (No appeal) (No mitigation)

(2) 16 Apr 96, Charleston AFB, SC - Article 86. You, having knowledge of a lawful order issued by SSgt [REDACTED] to remain at home, an order which it was your duty to obey, did, on or about 26 Mar 96, fail to obey the same by wrongfully leaving your home. Further, you having knowledge of a lawful order issued by SSgt [REDACTED] to return to Charleston AFB immediately, an order which it was your duty to obey, did, on 29 Mar 96, fail to obey the same by not returning to work. Article 92. Further, you did, on or about 31 Mar 96, without authority, fail to go at the time prescribe to your appointment place of duty. Restriction to Charleston AFB for 30 days and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: Special Court Martial - 25 Nov 96

CHARGE: Article 121.

Specification: Did, on divers occasions, at or near Charleston AFB, SC between on or about 2 Jul 96 and 12 Jul 96, steal money, of a value of over \$100, the property of Heritage Trust Federal Credit Union. Plea: NG, but G to LIO of Wrongful Appropriation. Finding: NG, but G to LIO of Wrongful Appropriation. Sentence Adjudged on 23 Oct 96. Forfeiture of \$500 pay per month for 6 months, 35 days confinement and a bad-conduct discharge.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (02) Yrs (09) Mos (18) Das
TAMS: (02) Yrs (07) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Jun 06.

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.

24JUL06/day

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

The discharge I received was inequitable due to the two years eight months and 24 days I was active the incident was the only thing I done with bad conduct. I had no civilian charges on this incident due to charges being dropped. The incident, ~~that~~ I pled guilty to show that I knew I made a mistake, and I took full responsibility for my actions.

The incident happened over 8 ~~years~~ years ago, but it still impacts my life due to my type of discharge, I'm not able to use the G.I. Bill, get a VA Loan, and alot of good jobs will not consider me because of the ODC. Now that I have grown older and wiser I realize without this upgraded discharge I will never be able to make right the rest of my life from an event that happened before my life really got started.

I have my head on right, married for seven years, and have four beautiful children. I want to reenlist to entitle my kids to the life they deserve, and allow myself to make right a haunting mistake by being a dedicated soldier.

Thank You Very Much For Your Time

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD) b. SIGNATURE

2006 JUNE 15 [Signature Box]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001