

**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%; margin-top: 5px;"></div>	GRADE <b>AIC</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>
--	---------------------	--

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
-----------------	----------------------------	----------	----------------------

<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.90</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="width:5%; text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="width:5%; text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="width:5%; text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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
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 <b>20 Feb 2007</b>	CASE NUMBER <b>FD-2006-00251</b>
------------------------------------	-------------------------------------

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.

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 30px; width: 100%; margin-top: 5px;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 30px; width: 100%; margin-top: 5px;"></div>
--	---

<b>INDORSEMENT</b>		<b>DATE: 2/20/2007</b>
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

FD-2006-00251

**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 discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for misconduct. The Article 15 was administered for failure to obey a lawful order to remain in Parachute Room 1 and stealing \$80.00, the property of a non-commissioned officer. Applicant was punished with a reduction to Airman First Class and suspended forfeiture of pay for two months. 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 member 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 did not provide 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

(Former A1C) (HGH SRA)

DISCHARGE PACKAGE MISSING

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Barksdale AFB, LA on 24 Oct 97 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Aug 74. Enlmt Age: 17 7/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-70, E-63, G-48, M-49. PAFSC: 2A754 - Fabrication and Parachute Journeyman. DAS: Unknown.

b. Prior Sv: (1) AFRes 7 Apr 92 - 16 Jun 92 (2 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 17 Jun 92 for 4 yrs. Extended 24 Jun 94 for 23 months. Svd: 05 Yrs 04 Mo 08 Das, all AMS.

b. Grade Status: A1C - 02 Dec 96 (Article 15, 02 Dec 96)  
SrA - 17 Oct 94

c. Time Lost: None.

d. Art 15's: (1) 2 Dec 96, RAF Mildenhall, UK - Article 92. You, having knowledge of a lawful order issued by MSgt [redacted] to remain in Parachute room 1 of building 558, an order which was your duty to obey, did, on or about 9 Oct 96, fail to obey the same by leaving that room. Article 121. You did, on or about 9 Oct 96, steal \$80.00, the property of SSgt [redacted]. Reduction to A1C. Suspended forfeiture of \$150.00 pay per month for 2 months. (Appeal/Denied) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 17 Jun 92 - 15 Sep 94 RAF Mildenhall 5 (Initial)  
16 Sep 94 - 15 Sep 95 RAF Mildenhall 3 (Annual)  
16 Sep 95 - 31 May 96 RAF Mildenhall 3 (CRO)  
01 Jun 96 - 31 May 97 RAF Mildenhall 2 (Annual) REF

h. Awards & Decs: AFLSAR, AFTR, AFOUA W/2 DEVS, AFGCM.

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