

**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 A1C	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>
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<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
					X**
					X**
					X**
					X**
					X**

ISSUES A01.00 A95..00	INDEX NUMBER A60.00	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="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> </tbody> </table>	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
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HEARING DATE <b>20 Mar 2007</b>	CASE NUMBER <b>FD-2006-00354</b>
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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 and Authority  
 + Reenlistment Code

<b>INDORSEMENT</b>	<b>DATE: 3/21/2007</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**

CASE NUMBER

**FD-2006-00354**

**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 admits that he made a mistake and has expressed a desire for upgrade of his discharge to qualify for reenlistment into the armed forces. The records indicated the applicant received an Article 15 and a Record of Individual Counseling for misconduct. The applicant received an Article 15 for theft of two memory sticks, an X-Box, two music CDs, various cleaning supplies, three X-Box games, a Coleman lighter, Kershaw knife and sunglasses from AAFES. He was punished with a reduction in grade to Airman, 30 days of extra duty and a reprimand. 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. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 Davis-Monthan AFB, AZ on 14 Oct 04 UP AFI 36-3208, para 5.50.1 (Discreditable Involvement With Military or Civil Authorities). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 24 Oct 84. Enlmt Age: 18 2/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-78, E-85, G-72, M-75. PAFSC: 2A533C - Intergrated Avionics Electronic Warfare Apprentice. DAS: 8 Sep 03.

b. Prior Sv: (1) AFRes 9 Jan 03 - 21 Jul 03 (6 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Jul 03 for 6 yrs. Svd: 01 Yrs 02 Mo 23 Das, all AMS.

b. Grade Status: Amn - 26 Aug 04 (Article 15, 26 Aug 04)  
A1C - 5 Sep 03

c. Time Lost: None.

d. Art 15's: (1) 26 Aug 04, Davis-Monthan AFB, AZ - Article 121. You did, on or about 26 Jul 04, wrongfully appropriate two (IGB) memory sticks, of a value of about \$500.00, the property of the Army and Air Force Exchange Services. Article 121. You did, between on or about 26 Jul 04 and on or about 9 Aug 04, steal an X-Box, two music compact discs, and various cleaning supplies, of a value of about \$500.00, the property of the Army and Air Force Exchange Services. Article 121. You did, on or about 9 Aug 04, steal three X-Box games, a Coleman lighter, Kershaw knife, and a pair of Forest Grant sunglasses, of a value of about \$207.78, the property of the Army and Air Force Exchange Services. Reduction to Airman, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 16 AUG 04 - Late for work.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (09) Mos (06) Das  
TAMS: (01) Yrs (02) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Aug 06.  
(Change Discharge to Honorable, and Change the RE Code, and Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

27OCT06/ia

**To Whom It May Concern:**

On or around 20-Sept-04 I stole many items from the Base Exchange. At the time of this incident I wasn't thinking about how profoundly it would affect my future, my country, my family, my unit, and all of those who were involved. To be honest I wasn't thinking at all. Had I used my brain I would not have done it to begin with. I was young and very stupid

I have been separated from the Armed Services for about 20 months now. Many things have changed for me. I am a little older and matured significantly. I have been doing the best I can for my family not just for myself. This incident was the first and last time I have and ever will steal anything again.

Since my separation I feel lost. The only place I feel I belong is in the Armed Services. Nothing in the civilian world compares to the drive and since of purpose the military gave me. I do not belong in the civilian world.

To conclude this letter I would first and foremost like to say how ashamed I am for my actions. I am applying for a change in my re-enlistment code so that I may rejoin the Armed Services. I ask that you consider the change of my code from a two to a one, so that I may once again have the chance to serve in the Armed Services. To live and work in a place I can be proud of. I am asking for a chance to once again serve my country.

Thank you for your time and consideration.

Sincerely,





**DEPARTMENT OF THE AIR FORCE**  
**755TH AIRCRAFT MAINTENANCE SQUADRON (ACC)**  
**DAVIS-MONTHAN AIR FORCE BASE, ARIZONA**

SEP 16 2004

MEMORANDUM FOR AMN: \_\_\_\_\_

FROM: 755 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Discreditable Involvement With Military or Civil Authorities. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge.
2. My reasons for this action are:
  - a. On or about 16 Aug 04, you failed to report for duty as scheduled. It was noted that you have been verbally counseled for being late on previous occasions and that being late has become a trend. As a result, you received a Record of Individual Counseling (RIC) on 16 Aug 04 (Tab A).
  - b. On or about 26 Jul 04, you wrongfully appropriated two-1GB memory sticks of a value of about \$500, that was the property of the Army and Air Force Exchange Service. Also, between on or about 26 Jul 04 and 9 Aug 04, you stole an X-Box, two music compact discs, and various cleaning supplies, of a value of about \$500, that was the property of the Army and Air Force Exchange Service. Finally, on or about 9 Aug 04, you stole three X-Box games, a Coleman lighter, a Kershaw knife, and a pair of Foster Grant sunglasses, of a value of about \$207.78, that was the property of the Army and Air Force Exchange Service. As a result, you received punishment under Article 15, UCMJ, on 26 Aug 04 (Tab B).
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 United States 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 any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain: \_\_\_\_\_ at AFLSA/ADC, 228-5664, on 17 Sep, at 1430 hours. You may consult civilian counsel at your own expense.

*Global Power For America*

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 21 Sep 04 @ 0730 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 PHA Clinic, 355th Medical Group on 17 Sep, at 1245 hours for the examination.

8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, building 2300, room 116, at 1100 hours on 17 Sep for the outprocessing briefing. If you have questions, please call 228-5326.

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 at The Area Defense Counsel's Office.

10. Execute the attached acknowledgment and return it to me immediately.

[Empty dashed box for signature]

Commander

**Attachments:**

- 1. Supporting Documents:
  - a. RIC, 16 Aug 04 (2 pgs)
  - b. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 26 Aug 04 (3 pgs), Member's Response, 25 Aug 04 (1 pg) and Supporting Evidence, (18 pgs)
- 2. Receipt of Notification Memorandum