

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>
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TYPE GEN	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	UOHC	OTHER	DENY
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					X
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<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					X

ISSUES A94.05	INDEX NUMBER A67.30	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">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 15 Mar 2007	CASE NUMBER FD-2006-00383	
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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.

INDORSEMENT		DATE: 3/15/2007
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, 4E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00383

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: The applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for stealing a bullet proof vest and Sony Cyber Shot Digital camera valued at \$1094.00. 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 SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Mac Dill AFB, FL on 14 Jan 04 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Sep 75. Enlmt Age: 18 9/12. Disch Age: 28 4/12. Educ: HS DIPL. AFQT: N/A. A-71, E-74, G-76, M-67. PAFSC: 3P051 - Security Forces Journeyman. DAS: 20 May 99.

b. Prior Sv: (1) AFRes 29 Jun 94 - 13 Dec 94 (5 months 15 days)(Inactive).

(2) Enlisted as AB 14 Dec 94 for 4 yrs. Svd: 4 yrs 0 months 0 days, all AMS. Amn - Unknown. A1C - 14 Apr 96. SrA - 11 Nov 98. EPRs: None.

(3) Transferred inactive Reserves 14 Dec 98. Svd: 2 months 6 days (Inactive).

(4) Enlisted ANG as SrA on 20 Feb 99 for 6 yrs. Svd: 2 months 21 days (Inactive).

(5) Enlisted USAF as SrA on 11 May 99 for 4 yrs. Extended 9 Dec 02 for 1 month. Svd: 3 yrs 11 months 27 days, all AMS. SSgt - 1 Feb 03. EPRs: 5,3,3,3.

ART 15: 18 Apr 01, Ali Al Salem, Kuwait - Article 86. You, did, on or about 26 Feb 01, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Lessons learned briefing with 386 ESFS/CC. Suspended reduction to A1C. Forfeiture of \$150.00 pay per month for two months, and 15 days extra duty. (No appeal)(No mitigation).

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt on 8 May 03 for 5 yrs 2 months. Svd: 00 Yrs 08 Mo 07 Das, all AMS.

b. Grade Status: SrA - 10 Sep 03 (Article 15, 10 Sep 03)

c. Time Lost: None.

d. Art 15's: (1) 10 Sep 03, Kirkuk AB, Iraq - Article 121. You did, at or near Kirkuk AB, Iraq, between on or about 15 Aug 03 and on or about 27 Aug 03, steal a bullet proof vest and Sony Cyber Shot digital camera, military property, of a value of about \$1094.00, the property of the United States Air Force. Reduction to SrA, and forfeiture or \$500.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFAM W/1 BOLC, AFTR, AFLSAR W/1 BOLC, NDSM W/1 BS, NCOPMER, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (09) Yrs (06) Mos (16) Das
TAMS: (08) Yrs (08) Mos (04) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Sep 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

13DEC06/ia

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES (Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved OMB No. 0704-0004 Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Service and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397. PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual. ROUTINE USE(S): None. DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE E-4/SrA d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) If date is more than 16 years ago, submit a DD Form 149

2004 01 14

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION

6 SFS MacDill AFB, FL

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)

HONORABLE GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS BAD CONDUCT (Special court-martial only) UNCHARACTERIZED OTHER (Explain)

5. BOARD ACTION REQUESTED (X one)

CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) CHANGE NARRATIVE REASON FOR SEPARATION TO:

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

I received an Article 15 in Iraq and a demotion for unbecoming and NCO. I was the area supervisor and stopped by the posts I was supposed to visit and make sure they were adequate for dayshift personnel. An Airman left a bag on his

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

9. TYPE OF REVIEW REQUESTED (X one)

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code)

13. CERTIFICATION: I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1007) provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER (Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in item 11 above.)

b. DATE SIGNED - REQUIRED (YYYYMMDD) 2006 12 05

FD 2006-00383

14. CONTINUATION OF ITEM 8, ISSUES (if applicable)

post and I retrieved them for him. I took them back to the armory and was instructed to hang on to them by my Flight Sgt. until the following evening, I took the bag to my tent and went to shower so I could get some rest. The next thing I know, I was apprehended and charged with theft. It wasn't a set up but I was wrongly accused and disciplined. I would like to have my discharge upgraded to honorable so I can get on with my life. I still love the Airforce and I will always love the fact I served my country. Thank You,

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (if applicable)

16. REMARKS (if applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
 Support Division, St. Louis
 9700 Page Avenue
 St. Louis, MO 63132-5200
 (See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
 720 Kennon Street, S.E.
 Room 309 (NDRB)
 Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
 SAF/MRBR
 650-C Street West, Suite 40
 Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
 Commandant (G-WPM)
 2100 Second Street, S.W. Room 5600
 Washington, DC 20593



DEPARTMENT OF THE AIR FORCE
6TH AIR MOBILITY WING (AMC)
MACDILL AIR FORCE BASE FLORIDA

PD2006 00383

90CT03

MEMORANDUM FOR SENIOR AIRMAN: _____

FROM: 6 SFS/CC

SUBJECT: Notification Memorandum—Board Hearing

1. I am recommending your discharge from the United States Air Force for commission of a serious offense. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.52.3. If my recommendation is approved, your service will be characterized as under honorable conditions (general).

2. My reasons for this action are as follows: Between on or about 15 August 2003 and on or about 27 August 2003, you stole a bulletproof vest and a Sony Cyber Shot digital camera, both of which belonged to the Air Force. The camera was valued at \$1,094.00. This conduct occurred in the deployed area during a time of conflict. Commission of a serious offense is grounds for discharge when the Manual for Courts-Martial (MCM) authorizes a punitive discharge for the same or substantially similar offense. A punitive discharge is authorized by the MCM for larceny of military property valued over \$500.00. This incident resulted in Nonjudicial Punishment under Article 15, UCMJ, dated 10 Sep 03. This document was placed in your Unfavorable Information File on 12 Sep 03 (Tab B).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (SPCM) jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

AMC – GLOBAL REACH FOR AMERICA

5. You have the right to consult counsel. Military counsel has been obtained to assist you. I have made an appointment for you to consult **Captain** [redacted] **on 10 Oct 03 at 1000**. Instead of the appointed counsel, you may have another counsel, if the lawyer is in the active military service and is reasonably available as determined in accordance with AFI 51-201, Administration of Military Justice. You may consult civilian counsel at your own expense.
6. If you waive the above rights, you may submit statements in your behalf in addition to, or in lieu of, the board hearing. Any statements you want the separation authority to consider must reach me by 2/OCT03 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must also be signed by your military legal counsel. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond your failure will constitute a waiver of the right to the board hearing.
8. You have been scheduled for a medical examination. You must report to the 6th Medical Group Hospital - **Physical Exams, at 1040 hours on 16 Oct 03** for the examination. **You must report to the Physical Exams Section 30 minutes prior to pick up your DD Form 2697.**
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 in the orderly room.
10. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
11. Execute the attached acknowledgment and return it to me immediately.

[redacted]
Commander, 6th Security Forces Squadron

Attachments:

- a. Respondent's Acknowledgment
- b. Record of Nonjudicial Punishment Proceedings, dated 10 Sep 03