

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE A1C	AFSN/SSAN _____
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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	UOTHIC	OTHER	DENY
					X*+
					X*+
					X*+
					X*+
					X*+

ISSUES <b>A95.00</b> <b>A01.00</b>	INDEX NUMBER <b>A60.00</b>	EXHIBITS SUBMITTED TO THE BOARD <b>1</b> ORDER APPOINTING THE BOARD <b>2</b> APPLICATION FOR REVIEW OF DISCHARGE <b>3</b> LETTER OF NOTIFICATION <b>4</b> 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-2006-00388</b>	
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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

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TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	INDORSEMENT	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
		DATE: 3/21/2007

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00388

**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. The applicant expressed a desire to upgrade her discharge to qualify for enlistment 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 the applicant received two Article 15s, a Record of Individual Counseling, a Memorandum for Record and three AETC Form 341s for misconduct. The applicant received her first Article 15 for stealing four video games and five greeting cards from the Army and Air Force Exchange Service. She was punished with a forfeiture of pay, 7 days of extra duty, and restriction to base for 7 days. Her second Article 15 was for stealing a neck wallet and its contents from another airman and throwing the military identification card into a dumpster. She was reduced in grade to Airman. She was administratively disciplined for being late for PT, failure to complete code maintenance training for the second time, missing from duty, and having an unclean room. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Davis-Monthan AFB, AZ on 4 Feb 02 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement With Military or Civil Authorities). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 25 Mar 82. Enlmt Age: 18 4/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-72, E-52, G-55, M-39. PAFSC: 1N211 - Signals Intellegence Productions Apprentice. DAS: 13 Nov 00.

b. Prior Sv: (1) AFRes 02 Aug 00 - 25 Sep 00 (1 month 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Sep 00 for 6 yrs. Svd: 01 Yrs 04 Mo 09 Das, all AMS.

b. Grade Status: Amn - 4 Jan 02) (Article 15, 4 Jan 02)  
A1C - 10 Nov 00

c. Time Lost: None.

d. Art 15's: (1) 4 Jan 02, Davis-Monthan AFB, AZ - Article 108. You did, at or near Fort Huachuca, Arizona, on or about 27 Mar 01, without authority, dispose of by throwing into a dumpster, the military identification card of AB [redacted] of a value of \$100.00 or less, military property of the United States. Article 121. You did, at or near Fort Huachuca, Arizona, on or about 25 Mar 01, steal a neck wallet and its contents, of a value of about \$35.00, the property of AB [redacted]. Reduction to Airman. (No appeal) (No mitigation)

(2) 15 Dec 00, Davis-Monthan AFB, AZ - Article 121. You did, at or near Fort Huachuca, Arizona, on or about 4 Dec 00, steal four video games and five greeting cards, of a value of about \$124.26, the property of Army and Air Force Exchange Service. Forfeiture of \$217.00 pay, 7 days extra duty, and restriction to the limits of Fort Huachuca, Arizona for 7 days. (No appeal) (No mitigation)

e. Additional: AETC 341, 05 JUL 01 - Late for PT.  
RIC, 02 APR 01 - Failure to complete code maintenance training for the second time.

AETC 341, 22 MAR 01 - Missing from duty.  
MFR, 19 MAR 01 - Failure to complete code maintenance.  
AETC 341, 19 DEC 00 - Unclean room.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (06) Mos (03) Das  
TAMS: (01) Yrs (04) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Sep 06.  
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

Issue 1: Enlistment in the Air National Guard. Please consider my request for an up-grade or change to my discharge category, for the purpose of enrolling in the Air National Guard.

**ATCH**

None.

30OCT06/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD2006-00388

16 Jan 02

MEMORANDUM FOR AMN: \_\_\_\_\_, 314 TRS

FROM: 314 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

My reasons for this action are:

a. On or about 04 Dec 00, you did steal four video games and five greeting cards, of a value of about \$124.26, the property of the Army and Air Force Exchange Service. For this, you received an AF Form 3070 (Article 15), consisting of forfeiture of \$217.00 pay, seven days extra duty, and restriction to the limits of Ft Huachuca, AZ for seven days.

b. On or about 25 Mar 01, you did steal a neck wallet and its contents, of a value of about \$35.00, the property of Airman Basic: \_\_\_\_\_; On or about 27 Mar 01, you did, without proper authority, dispose of by throwing into a dumpster, the military identification card of Airman Basic: \_\_\_\_\_, of a value of \$100.00 or less, military property of the United States. For these offenses, you received an AF Form 3070 (Article 15) on 04 Jan 02, consisting of reduction to the grade of Airman (E-2), with a new date of rank of 04 Jan 02.

2. 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 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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You may telephone CAPT. \_\_\_\_\_; Area Defense Counsel at GOODFELLOW AFB, via DSN: 479-5070 for consultation. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 22 Jan 02 at 1400 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the Physical Exams Section of the clinic on 17 JAN 02 at 1200 for the examination.

7. 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 Unit Orderly Room.



Commander

**Attachments:**

1. AF Form 3070, dated 15 Dec 00
2. AF Form 3070, dated 04 Jan 02