

**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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>			
	<b>X</b>			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X**
					X**
					X**
					X**
					X**

<b>ISSUES</b>	A94.05	<b>INDEX NUMBER</b>	A67.30	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<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
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
				TAPE RECORDING OF PERSONAL APPEARANCE HE	
<b>HEARING DATE</b>		<b>CASE NUMBER</b>			
20 Mar 2007		FD-2006-00396			

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: 3/26/2007</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2006-00396**

**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:**

Applicant contends discharge was inequitable because it was too harsh and based on one isolated incident. The records indicated the applicant received an Article 15 for misconduct. The applicant received an Article 15 for presenting a fraudulent claim for loss against the United States in the amount of \$297.97. 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 Goodfellow AFB, TX on 1 Apr 92 UP AFR 39-10, para 5.49C (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 1 Mar 69. Enlmt Age: 20 7/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-94, E-94, G-88, M-83. PAFSC: 20813A - Slavic Cryptologic Linguist Helper - Russian. DAS: 5 Sep 91.

b. Prior Sv: (1) AFRes 18 Oct 89 - 11 Jan 90 (2 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 12 Jan 90 for 4 years. Svd: 02 Yrs 02 Mo 20 Das, all AMS.

b. Grade Status: Amn - 28 Jan 92 (Article 15, 28 Jan 92)  
A1C - 12 Nov 90

c. Time Lost: None.

d. Art 15's: (1) 28 Jan 92, Goodfellow AFB, TX - Article 132. You did, on or about 21 Nov 91 by presenting a claim for loss, to wit: AF Form 180 to Capt [REDACTED], an officer of the US duly authorized to approve such claim, present for approval and payment a claim against the US in the amount of two hundred and ninety-seven dollars and ninety-seven cents (\$297.97), for private property alleged to have been lost in the military service which claim was false and fraudulent in the amount of one hundred and seventy-nine dollars and ninety-seven cents (\$179.97) and was then known by you to be false and fraudulent. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (02) Yrs (05) Mos (14) Das  
TAMS: (02) Yrs (02) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Sep 06.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge.)

Issue 1: I am requesting my discharge characterization, the authority for discharge and re-enlistment code be changed. See continuation at item 14.

Issue 2: My discharge was inequitable because it was based on one isolated incident in over 28 months of service with no other adverse action.

Issue 3: My discharge was improper because the only incident constituting the basis for discharge did not amount to "serious or recurring misconduct" as required under AFI 36-3208. Additionally, I was never given any opportunity for probation or rehabilitation. As a result of my Art 15, I was reduced in rank and fined. I was then immediately discharged with a General discharge characterization.

Issue 4: Assuming my discharge was improper, my re-enlistment code should be changed to reflect continued eligibility to serve in the military.

**ATCH**

1. Report of Investigation.
2. College Transcript.
3. Three Character Letters.

31Oct06/day



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 3495TH TECHNICAL TRAINING GROUP (ATC)  
GOODFELLOW AIR FORCE BASE TX 76908-5000

REPLY TO  
ATTN OF: 3495 TCHTS/CC

28 FEB 1992

SUBJECT: Notification Letter

TO: Amn [REDACTED]

1. I am recommending your discharge from the United States Air Force for Other Serious Offenses. The authority for this action is AFR 39-10, para 5-49c. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.
2. My reason for this actions is that you did, at Goodfellow Air Force Base, Texas, on or about 21 November 1991, by presenting a claim for loss, to wit: Air Force Form 180 to Captain [REDACTED], an officer of the United States duly authorized to approve such claim, present for approval and payment a claim against the United States in the amount of two hundred and ninety-seven dollars and ninety-seven cents (\$297.97), for private property alleged to have been lost in the military service which claim was false and fraudulent in the amount of one hundred and seventy-nine dollars and ninety-seven cents (\$179.97) and was then known by you to be false and fraudulent.
3. 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 the Area Defense Counsel, at Bldg 104, on 3 MARCH 1992, at 1300.
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 1330 5 March 1992 unless you request and receive an extension for good cause. 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 GTC Clinic at 0730 on 4 MARCH 1992 for the examination.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Atch 2. A copy of AFR 39-10 is available for your use in the Orderly Room.