

TYPE		PERSONAL APPEARANCE	X RECORD REVIEW				
<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> <tr> <td></td> <td>X</td> </tr> </table>		YES	NO		X	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO						
	X						

MEMBERS SITTING		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X

ISSUES /193.33	INDEX NUMBER A61.00	1 ORDER APPOINTING THE BOARD
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
HEARING DATE 01 0523	CASE NUMBER FDO1-00084	4 BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE HEARING

REMARKS
 Case heard at Andrews AFB MD.
 Advise applicant of the decision of the Board and the right to a personal appearance hearing.

SIGNATURE OF RECORDER *[Signature]* SIGNATURE OF BOARD PRESIDENT *[Signature]*

TO: SAF/MIBR
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

CASENUMBER

FD01-00084

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 the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue: The applicant did not submit specific issues to be addressed by the Board, but instead wrote a letter on his behalf, which was used in the decision of the Board. The member contends that in his first five years of service he received only one Letter of Reprimand for underage drinking and that during his assignment to Sheppard AFB he was singled out and harassed. He also contends that he did not have an unprofessional relationship with one of the trainees. The Board reviewed the record and concluded the conduct for which applicant was discharged was a significant departure from the conduct expected of all military members. The applicant received an Article 15 for failing to obey a lawful order not to have a personal relationship with a trainee in his training organization. Although the applicant claims that this is not true, the record contains affidavits that attest to this as fact, therefore this issue is without merit. The member received two additional Article 15s, one for wrongfully failing to pay the government credit card balance when due and another for dishonorably failing to pay on the Deferred Payment Plan (DPP). The Board recognized that the balance on the government credit card was minimal and was paid off and that the overdue balance on the DPP was the member's fault, however, no inequity or impropriety in his discharge was suggested or found in the course of the records review. The Board concluded that the character and reason for discharge were appropriate due to his misconduct.

The Board found no evidence of impropriety or inequity in this case upon which to base an upgrade of discharge.

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) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/08/17 UP AFI 36-3208, para 5.50.1 (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 71/07/04. Enlmt Age: 19 7/12. Disch Age: 27 1/12. Educ:HS DIPL. AFQT: N/A. A-37, E-72, G-78, M-89. PAFSC: 3A051 - Information Management Journeyman. DAS: 96/04/21.

b. Prior Sv: (1) AFRes 91/02/11 - 91/04/25 (2 months 15 days) (Inactive).

(2) Enld as AB 91/04/26 for 6 yrs. Ext 95/05/22 for 1 month. Ext 95/11/20 for 13 months. Svd: 5 yrs 3 mos 3 days, all AMS. A1C - 91/06/12. SRA - 93/10/12. EPRs: 4,5,4,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 96/07/29 for 4 yrs. Svd: 2 Yrs 0 Mo 19 Das, all AMS.

b. Grade Status: A1C - 97/11/25 (Article 15, Vacation, 98/03/10)

c. Time Lost: none.

d. Art 15's: (1) 98/04/06, Sheppard AFB, TX - Article 134. You, being indebted to the ----- in the sum of about \$246.00 for the Deferred Payment Plan, which amount became due and payable o/a 28 Sep 97, did, from o/a 16 Mar 98, dishonorably fail to pay said debt. Rdn to Amn (susp till 5 Oct 98), and a reprimand. (Appeal/Denied) (No mitigation)

(2) 98/06/10, Vacation, Sheppard AFB, TX - Article 92. You did, between o/a 26 Aug 97 and o/a 26 Jan 98, violate a lawful general instruction, to wit: para 22, AFI 65-104, dated 1 May 96, by wrongfully failing to pay your Government ----- Card account balance when due. Rdn to A1C. (No appeal) (No mitigation)

(3) 91/11/25, Sheppard AFB, TX - Article 92. You did, on divers occasions between o/a 1 Aug 97 and o/a 15 Oct 97, fail to obey a lawful general regulation, to wit: para 4.1.5, ATCR 30-4, dated 20 Jan 92, by wrongfully developing a personal relationship with Amn -----, a trainee-within your same training organization. Rdn to

A1C (susp till 23 May 98), and a reprimand.
(No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: 96/04/01 97/03/31 Sheppard AFB 4 (Annual)
(Discharged from Sheppard AFB)

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

i. Stmt of Sv: TMS: (7) Yrs (6) Mos (7) Das
TAMS: (7) Yrs (3) Mos (22) Das

4. **BASIS** ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/02/13.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Letter to the Discharge Review Board.

01/03/27/ia

12 February, 2001



Dear Discharge Review Board:

The Following issues are the **reasons** I believe my discharge should be upgraded to Honorable. If you disagree, please explain in detail why you disagree. **The** presumption of regularity that might normally permit you to assume that the service acted correctly in characterizing my **service as** less than honorable **does not** apply to my **case due** of the reasons I am submitting.

In my first five years and three months of service, I received one Letter of Reprimand for Underage Drinking, while **stationed at GrandForks Air Force Base, North Dakota: This was** the only derogatory incident in nearly **six years of service**. However, after **my** assignment to Sheppard Air Force Base, Texas, **I was repeatedly, singled out and harassed by my First Sergeant, Master Sergeant, Flight Commander, the Section Superintendent, Master Sergeant, and SSgt** my supervisor at the time. I was given a Letter of Reprimand for having a Surgical Procedure (vasectomy) without telling the Section Commander, given another Letter of Reprimand for an unprofessional relationship with a student (not of the sexual nature), an Article 15 and reduction in grade for failing to pay an **bill**, this bill was sent to the First **Sergeant's office** at my request when I first was assigned to the 362d Training Squadron. There were several other allegations and investigations all of which were based on false pretenses.

These "disciplinary problems" and this so-called "pattern of misconduct" all started after **my** Fiancée at the time, now my wife, came to Wichita Falls. **As** I began to work less "overtime" my career seemed to begin a downward spiral, the more I tried to be reassigned to another unit the more I seemed to get **harassed**, and change **duty** positions within the squadron. I then **asked** for a humanitarian reassignment to Scott Air Force Base, Illinois **so** I could be closer to my **new** wife and **my** children from a different **marriage**. My Congressman, **called the Base Commander Brigadier** to ask why I could not be reassigned to Scott AFB. Again this drew more attention to me and it was made clear that I would be taught not to go outside my chain of command again. I was immediately counseled by my supervisor Staff Sergeant **and asked - "What the hell is this?" referring to the letter I had written to my congressman. As I tried to explain my situation it was made clear that I would retract the letter and forget about any assignment, humanitarian or any other type. After the letter was retracted I was moved from one building to the other and several more times over a period of four weeks - the students would remark "if you don't like Senior Airman don't worry he will be moved to another floor next week" Due to the fact I even made a request for a Perminate Change of Station (PCS) I feared the reprisal would not stop here. I requested to be transferred out of the unit, but was told on several occasions no. I also requested to be removed from the 362d Training Squadron. The 82d Training Group told me they would if they could but my commander would not release me. When an EPR was finally written, I was given a 2. My supervisor, now, told me she had rewritten it several times due to changes the Lieutenant ordered her to make. Miraculously, none of the positive things I had done in the entire year and a half that I was assigned to the unit appeared. Even though I had received several Letters of Appreciation, they were discarded and omitted from my performance report also remarked how all of the things she filed in my Personnel Information File were not in it when she signed it out to write my EPR By this time I was not even working in my section, I was assigned to the Orderly Room, as a detail Airman, I was not even used in my primary AFSC which was Information Management. I looked for my PIF several times and each time the signout sheet had the same name on it - MSGT - CCF OFFICE. When it was finally checked back in, several items were missing.**

The next was dealing with the allegation of the unprofessional relationship. I put a vehicle on the base "Lemon Lot". The only person that inquired about the vehicle was a student in my squadron that fell under the supervision of Staff Sergeant [REDACTED]. We made a verbal agreement for him to buy the vehicle, and he paid me \$1,000 as a down payment. The day we were supposed to sign the contract at the Legal Office, I was called by Master Sergeant [REDACTED] to report to the Office of Special Investigations (OSI) to meet with Special Agent [REDACTED] and Special Agent [REDACTED]. When I arrived at the OSI office, I was met by Agent [REDACTED] and interrogated about the Airman [REDACTED] that bought my truck. They were investigating a stolen ATM card and suspected [REDACTED] as the thief. My unit quickly claimed that I, on numerous occasions, would have [REDACTED] over to my house, along with several other students from my squadron. This is not only ridiculous, it is untrue. The relationship between this airman and myself was purely a professional relationship. There were several occasions I needed contact Airman [REDACTED] from my home, in reference to details that needed to be done late in the evening, on the weekend or early Monday morning prior to staff members arriving in the dorm. When questioned the first few times about our "relationship" Airman [REDACTED] would "tell the truth" and since there was nothing to tell, [REDACTED] were not satisfied. I was then [REDACTED] several times by these individuals as well as [REDACTED]. Again the answers they were looking for were not given. This is when I was given an Article 15 and removed from my duty section. My legal council and I were not even given the statements we were supposed to be given until after the Article 15 was signed and recorded in my record. To my knowledge my lawyer had no knowledge these statements existed. Once again I was moved around from section to section. By this time I was working back in my primary AFSC and around students, this time as an Administrative Specialist in the Heavy Training Flight. This was not enough for those above me in my chain of command.

The next "charge" was concerning my Government [REDACTED] card. When I arrived at Sheppard AFB, I asked if my Government card could be used as a second form of ID at a video store, and was told yes it could as long as there were no charges made on it. I then used it as ID only. Two years later (after I closed the video store membership) a \$2.90 charge showed up. I had not received a bill since I paid off the charges from the PCS to Sheppard. I admit that I had moved five or six times, the last of which was due to a fire in my base-housing unit, but I had requested that the bill be sent to the squadron. The [REDACTED] people were more than happy to send statements to the squadron address. The first time I was made aware of this charge, my latest supervisor MSgt [REDACTED], told me to report to the First Sergeant's office [REDACTED] ASAP. When I went to see MSgt [REDACTED] I was promptly escorted into the Commanders office [REDACTED]. I was informed that due to this charge on my account he was planning to issue another Article 15 and demote me to Airman First Class. To make matters worse, several students in my squadron came up and asked me if I was getting "busted down" and/or "kicked out". Not only was I suffering reprisal after reprisal, now my every move was being documented and it seemed broadcast though out the base. In both cases I had the same lawyer [REDACTED] from Altus AFB, OK. All of our meetings took place over the phone due to him being stationed at Altus and me at Sheppard. In our last conversation he advised me to "watch your back....seems to me they are out to get you, they won't be happy until you are out..." My command was always preaching privacy to those accused, however it certainly was not practiced in my case or several others.

Even with all of this, my chain of command was not yet satisfied. My squadron sold Physical Conditioning cloths, sweatpants, sweatshirts, etc. with the squadron mascots silk-screened on them. This program did not pass through several hands, as most of the additional duties did during my stay at the 362nd. To the best of my knowledge, there were only four people involved with it, SSgt [REDACTED], Lt [REDACTED], SrA [REDACTED], and Lt [REDACTED]. Although, never involved with this program, I was still accused and investigated for embezzling over \$18,000 from this fund. I was questioned by OSI, and given a polygraph test. OSI agents investigating the case and the agent running the polygraph machine cleared me of these allegations. Again this was not good enough for my command, the more I was accused of and absolved of the more I was harassed, and new erroneous charges were brought against me. Everything I did until 18 July 98 was monitored, I even had to check in and out with my last supervisors Mr. [REDACTED] MSgt [REDACTED] or Capt [REDACTED].

My last week I was threatened with yet another Article 15 for not having a new address for my household goods shipment, I could not sign a lease until I knew when I would be discharged, I had several houses and apartments lined up but the landlords were not willing to hold them until the Air Force decided to release me. The housing office also told me I could not clear housing until I had a Final out date. And with a recent demotion, I could not afford to pay rent without BAQ • which would not be authorized until the next month.

• **By this** time all I wanted **was** to be released from the Air Force, and my attorney, [REDACTED], just wanted to **see** me get out with a General Discharge Under Honorable Conditions. I was unaware of the HKA • Pattern of Misconduct **code** that was attached to my discharge until **the** day I out **processed**, and my attorney was TDY and could **not** be reached.

Since I have been in the civilian sector, I have not been able to obtain **the only** job I truly want to do, due to the nature of my discharge, **I can** not be **hired** as a police officer with a Pattern of Misconduct on **my** DD-1214. I would also **request** that you review **my** performance **reports** prior **to and** including my last performance **report** - do they really match that of a **sub** standard **Airman**, show a pattern of misconduct, or point out **harassment**, and reprisal? **As** I reviewed **my** records, I read each of the **reports** and could **see** no pattern of misconduct. In addition the governing regulation for EPR's **was** obviously not adhered to, **as** one time offences are not to be mentioned in Enlisted Performance **Reports**, at least in the raters and raters rater comment **blocks**.

I realize realize maintain order and discipline while serve **and** defend our way of life, our loved **ones** and **rights**, privileges and **freedoms** we hold **so** **dearly**, we must live **by** **rules and** regulations set forth **by** our predecessors in every effort to maintain **our** way of life. However, I must admit I fail to **see** how **this type** of injustice **fits** in to any of the **rights** privileges or freedoms **our ancestors** and I fought for **so** proudly and died **so** gallantly to preserve. **Your** help and consideration in **this** matter will be greatly appreciated.

Sincerely,

A large, dark, irregularly shaped redaction mark covering the signature area of the letter.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS SECOND AIR FORCE (AETC)

5 August 1998

MEMORANDUM FOR [REDACTED]

FROM: JA

SUBJECT: Legal Review of Administrative Discharge, Airman First Class
[REDACTED] 362 TRS, Sheppard AFB TX

1. **PURPOSE:** We have reviewed the proposed discharge action pursuant to AFD 36-32 and AFI 36-3208, paragraph 6.19, and find it legally sufficient to support an Under Honorable Conditions (General) Discharge based on discreditable involvement with military or civilian authorities, under paragraph 5.50.1, without further opportunity for probation and rehabilitation.

2. **BASIS FOR THE ACTION:** The respondent, between 28 September 1997 and 16 March 1998, was delinquent in making payments to his AAFES Deferred Payment Plan. Between 26 August 1997 and 26 January 1998, the respondent failed to pay his Government [REDACTED] Card balance. Between 1 August 1997 and 15 October 1997, the respondent, as a cadre member, violated regulations by maintaining a social relationship with a student assigned to his training squadron. The 311 TRS/CC initiated discharge action on 22 June 1998 pursuant to AFI 36-3208, paragraph 5.50.1, discreditable involvement with military or civilian authorities. The 362 TRS/CC recommended service characterization as Under Honorable Conditions (General). Although afforded the opportunity to consult with military defense counsel, the respondent, as of 16 July 1998, did not respond to the notification letter and constructively waived his right to have his case heard by an administrative discharge board. The 82 TRW/CC recommends 2 AF/CC approve the waiver by the respondent with a service characterization of Under Honorable Conditions (General) and not offer further opportunity for probation and rehabilitation. We agree with the recommendation.

3. **FACTS ABOUT THE RESPONDENT:** The respondent is 26 years old and is serving a four-year enlistment which began on 29 July 1996. The respondent entered active duty on 26 April 1991. The respondent has a disciplinary record consisting of two nonjudicial punishment actions and one vacation of suspended punishment action which document the incidents

forming the basis of this discharge. The respondent is entitled to wear the Air Force Achievement Medal, the Air Force Outstanding Unit Award with 1 OLC, the Air Force Good Conduct Medal with 1 OLC, the National Defense Service Medal, the Air Force Overseas Short Tour Ribbon, the NCO Professional Military Education Graduate Ribbon, the Air Force Longevity Service Award Ribbon, and the Air Force Training Ribbon. The respondent has the following overall ratings on his enlisted performance reports (most recent first): 2, 4, 4, 5, 4, 5, and 4.

4. ERRORS AND IRREGULARITIES: The AF Form 3070, dated 25 November 1997, lacks at block 13, the dates 82 TRW/JA sent the record to the servicing AFO and MPF. The author of the 2 March 1998 memorandum for record supporting the vacation of suspended nonjudicial punishment action did not sign the memorandum. These irregularities do not detract from the legal sufficiency of the package or prejudice the substantive rights of the respondent.

5. DISCUSSION:

a. Airmen are subject to separation for discreditable involvement with military or civilian authorities under AFI 36-3208, paragraph 5.50.1, when the airman commits offenses punishable under the UCMJ. The respondent repeatedly and dishonorably failed to pay his just debts and engaged in an improper social relationship with a student in violation of a lawful general regulation. These actions violated Articles 134 and 90, UCMJ, respectively. We note that AFI 36-3208, paragraph 5.2, requires preprocessing rehabilitation when discreditable involvement with military or civilian authorities forms the basis for the discharge. The respondent received two Articles 15 and a vacation action which failed to dissuade the respondent from his repeated misconduct.

b. We also note, under AFI 36-3208, paragraph 7.2, that airmen are eligible for probation or rehabilitation if the basis for discharge is discreditable involvement with military and civilian authorities. The record clearly demonstrates that the respondent is subject to discharge without probation and rehabilitation opportunities. As for characterization of the discharge, 82 TRW/CC recommended an Under Honorable Conditions (General) Discharge. Paragraph 1.18, of AFI 36-3208, authorizes an Under Honorable Conditions Discharge when the member's misconduct overshadows the positive aspects of his career. The respondent's failure to pay just debts and social relationship with a student overshadows his otherwise satisfactory service.

c. We finally note the circumstances surrounding the waiver in this case. Under AFI **36-3208**, paragraph **6.15**, a respondent must submit a response within seven workdays after receiving the notification letter. Failure to respond within the seven days or an approved extension, constitutes waiver of that respondent's rights, including the right to have the case heard by an administrative discharge board. The respondent acknowledged receipt of the notification letter on **23 June 1998**. The unit granted the respondent an extension until **15 July 1998** to consult with counsel and submit a response. The respondent failed to submit a response on that date. By default, the respondent constructively waived his rights to a board hearing in this matter.

6. OPTIONS: As General Court-Martial Convening Authority, AFI **36-3208**, paragraph **5.56.2**, requires you to act on any case in which a respondent waives his right to an administrative discharge board hearing. Accordingly, you may elect one **of** five options:

a. You may determine that the evidence does not support the discharge action and direct the respondent's retention in the Air Force.

b. You may determine that the commander initiated the discharge under an incorrect provision of AFI **36-3208** and direct reinitiation **of** the action under an appropriate section.

c. You may reject the constructive waiver and direct that the matter proceed to an administrative discharge board hearing.

d. You may approve the constructive waiver, direct the separation **of** the respondent with either an Honorable **or** Under Honorable Conditions (General) Discharge, suspend execution of the separation, and grant probation and rehabilitation.

e. You may approve the constructive waiver, direct the separation of the respondent with either an Honorable **or** Under Honorable Conditions (General) Discharge and direct execution of the separation without further opportunity **for** probation and rehabilitation.

7. RECOMMENDATION That you accept the waiver and direct the respondent's separation with an Under Honorable Conditions (General) Discharge without further opportunity for probation and rehabilitation.



Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

21 Jul 98

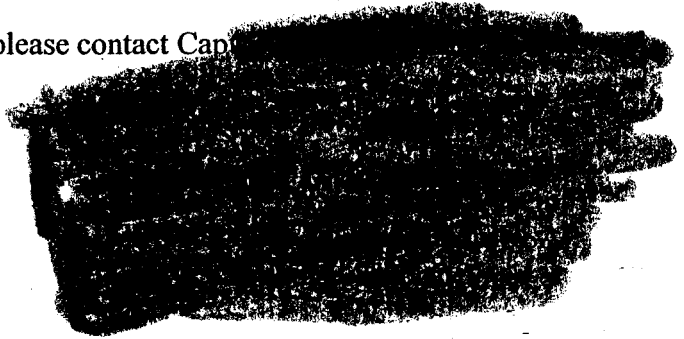
MEMORANDUM FOR 82 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review Recommendation for [REDACTED]
362 TRS

1. We have reviewed this discharge case file and find it to be legally sufficient to support discharge. We recommend that you direct that the respondent be separated with a general discharge in accordance with AFI 36-3208, paragraph 5.50.1 (Discreditable Involvement With Military or Civil Authorities), without further opportunities for probation and rehabilitation.
2. The basis for this action is the commander's administrative determination that the respondent dishonorably failed to pay his just debts and committed a serious offense. Specifically, the respondent failed to pay the sum of about \$246.00 to the Army Air Force Exchange Service, violated a lawful general instruction by wrongfully failing to pay his Government [REDACTED] Card balance when it became due, and failed to obey a lawful general regulation by wrongfully developing a personal relationship with a trainee within the same training organization. The respondent received two Article 15s and a vacation action for his misconduct. The squadron commander's determination is supported by a preponderance of the evidence in the case file.
3. The respondent is 27 years old, began his present enlistment on 29 Jul 96, and was assigned to his unit on 21 Apr 96. His academic test scores are average. The respondent is entitled to wear the Air Force Training Ribbon, NCO Professional Military Education Graduate Ribbon, Air Force Longevity Service Award Ribbon, Air Force Overseas Short Tour Ribbon, National Defense Service Medal, Air Force Good Conduct Medal with one oak leaf cluster (OLC), Air Force Outstanding Unit Award with one OLC, and the Air Force Achievement Medal. The respondent failed to acknowledge receipt of the notification letter, therefore, waiving his rights to a discharge board, to consult counsel, and to submit statements for your consideration.
4. We note no administrative errors of legal significance, and we concur with the squadron commander's recommendation for a general discharge in this case.

5. If you have any questions on this matter, please contact Cap



Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

22 Jun 98

MEMORANDUM FOR A1C [REDACTED] TRS

FROM: 362 TRS/CC

SUBJECT: Notification Memorandum—Board Hearing

1. I am recommending your discharge from the United States Air Force for discreditable involvement with military or civil authorities according to AFD 36-32 and AFI 36-3208, under the provisions of paragraph 5.50.1. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. You, being indebted to the Army Air Force Exchange Service in the sum of about \$246.00 for the Deferred Payment Plan, which amount became due and payable on or about 28 Sep 97, did at or near Sheppard Air Force Base, Texas; from on or about 28 Sep 97 to on or about 16 Mar 98, dishonorably fail to pay said debt. For this infraction, you received Article 15 punishment on 6 Apr 98.

b. You did, at or near Wichita Falls, Texas, between on or about 26 Aug 97 and on or about 26 Jan 98, violate a lawful general instruction, to wit: paragraph 22, AFI 65-104, dated 1 May 96, by wrongfully failing to pay your Government [REDACTED] Card account balance when due. For this infraction, your suspended punishment from Article 15, dated 25 Nov 97 was vacated on 10 Mar 98.

c. You did, at or near Sheppard AFB TX, on divers occasions between on or about 1 Aug 97 and on or about 15 Oct 97, fail to obey a lawful general regulation, to wit: paragraph 4.1.5, ATCR 30-4, dated 20 Jan 92, by wrongfully developing a personal relationship with Airman [REDACTED] a trainee within your same training organization. For this infraction, you received Article 15 punishment on 25 Nov 97.


3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an under honorable conditions (general) discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces, 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.

5. Your medical examination was completed on 5 May 98.

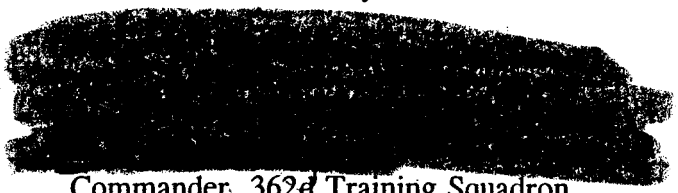
6. Military legal counsel  has been obtained to assist you. An appointment has been scheduled for you to consult him on _____. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel.. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. 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. 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 362 TRS/Commanders Support Staff Office.

9. 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.

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



Commander, 362d Training Squadron

Attachments: (listed on next page)

1. AF Form 3070, 6 Apr 98
2. Response to Article 15, 20 Mar 98
3. Statement of Financial Status, 23 Mar 98
4. AAFES Memo, 19 Feb 98
5. MFR, [REDACTED] 16 Mar 98
6. AF Form 366, 10 Mar 98
7. Response to Notice of Intent to Vacate
Suspended Punishment, 9 Mar 98
8. Summary of Account, AMEX, 26 Aug 97
9. Summary of Account, AMEX, 26 Aug 97
10. Statement, [REDACTED] undated
11. MFR, [REDACTED] 2 Mar 98
12. AF Form 3070, 25 Nov 97
13. Response to Article 15, 17 Nov 97
14. AF Form 1168, AB [REDACTED] 31 Oct 97
15. AF Form 1168, AB [REDACTED] 22 Oct 97
16. AF Form 1168, A1C [REDACTED], 21 Oct 97
17. AF Form 1168, Amn [REDACTED] 17 Oct 97
18. 362 TRS/CC Memo, 1 Dec 97
19. 362 TRS/CC Memo, 11 Jul 97
20. Airman's Acknowledgment *wcd*

cc:
82 MSS/DPISF
362 TRS/CSS (File)
Individual