






AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE A1C	AFSN/SSAN 
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">COUNSEL</td> <td rowspan="3" style="padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td rowspan="3" style="padding: 5px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">X</td> </tr> </table>	COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	NO		X		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES	NO									
	X									

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
 I					X
					X
					X
					X
					X

ISSUES A94.05	INDEX NUMBER A67.30	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 4 NOV 02	CASE NUMBER FD2002-0317 2001	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

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.

REMARKS
Case heard at 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.

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT 
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INDORSEMENT	DATE: 4 NOV 02
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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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD01-0317

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.

ISSUE: Applicant contends discharge was too harsh because it was based on one isolated incident in four years of service. 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 had a Summary Court Martial for disobeying a direct order to use his government credit card for official travel only and, with intent to defraud and for the procurement of lawful currency, wrongfully and unlawfully draw and utter checks in the amount of \$570.00. The Board concluded the misconduct was a significant departure from conduct expected of all military members and 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

[REDACTED]

(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 95/04/17 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 70/09/12. Enlmt Age: 19 8/12. Disch Age: 24 4/12. Educ:HS DIPL. AFQT: N/A. A-87, E-53, G-76, M-21. PAFSC: 3S231 - Education and Training Journeyman. DAS: 93/05/17.

b. Prior Sv: (1) AFRes 90/05/15 - 90/10/22 (5 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 90/10/23 for 4 yrs. Svd: 4 Yrs 3 Mo 29 Das, of which AMS is 4 yrs 3 months 29 days (excludes 1 month 26 days lost time).

b. Grade Status: A1C - 95/03/15 (SPCMO No.9, 95/03/15)
SRA - 93/02/23

c. Time Lost: 95/02/22-95/04/17 (1 month 26 days).

d. Art 15's: none.

e. Additional: none.

f. CM: Special Court Martial No.9 - 95 March 15

CHARGE I: Article 92. Plea: Guilty. Finding: Guilty.

Specification: Having knowledge of a lawful order issued by Major ----- to use his ----- Government Card only for official travel, at or near Barksdale Air Force Base, Louisiana and at or near Vicksburg, Mississippi, on divers occasions between about 19 September 1994 and about 7 October 1994, fail to obey the same by wrongfully using his ----- Government Card for other than official travel related expenses.

CHARGE II: Article 123a. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Barksdale Air Force Base, Louisiana, on divers occasions between about 19 October 1994 and about 28 October 1994, with intent to defraud and for the procurement of lawful currency, wrongfully and unlawfully draw and

utter certain checks in the total amount of \$570.00, knowing he did not or would not have sufficient funds in or credit with said credit union for the payment of said drafts in full upon their presentation. Sentence adjudged on 21 February 1995: Confinement for four months, forfeiture of \$500.00 pay per month for four months, and reduction to the grade of A1C.

g. Record of SV: 90/10/23 - 92/06/22 High Wycombe AS 4 (Initial)
 92/06/23 - 93/03/15 High Wycombe AS 4 (CRO)
 93/03/16 - 94/03/15 Barksdale AFB 4 (Annual)
 94/04/16 - 95/03/15 Barksdale AFB 2 (Annual) REF

(Discharged from Barksdale AFB)

h. Awards & Decs: AFOUA W/1 OLC, AFGCM, NDSM, AFOSLTR, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (04) Yrs (09) Mos (05) Das
 TAMS: (04) Yrs (03) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/08/01.
 (Change Discharge to Honorable)

Issue 1: I feel my discharge was inequitable because it was based on (1) isolated incident in 4 years of service. I had an exemplary career with the Air Force. If you look at my service records, I received awards during my tenure. I am currently a member of the Army National Guard where I have received a Honorable Discharge after my first enlistment. I feel that by that I have proved my professionalism and dedication to the Armed Forces. I am currently enrolled in college at ----- College in ----- in Criminal Justice. I feel that I am on the right road. I am a correctional officer with the ----- Dept. of Corrections for 5 years. I pray to God that the Review Board will look at my records and see that I only had one bad blemish. Please don't persecute me for that help me, please.

ATCH

1. DD Form 149.
2. NGB Form 22, Report of Separation and Record of Service.
3. NGB Form 55, Honorable Discharge.

01/11/06/ia

8. As the Separation Authority, you may:

- a. Retain [redacted] if you find that discharge is not warranted by the evidence or under the circumstances;
or
- b. Separate [redacted] with a general discharge with or without P&R; or
- c. Recommend to the Commander, 8th Air Force, that [redacted] be separated with an honorable discharge;

9. RECOMMEND: You separate [redacted] from the United States Air Force with a general discharge, without P&R.

[redacted signature]

I concur.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

4 APR 1995

MEMORANDUM FOR [REDACTED]

FROM: 2 MSS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for commission of a serious offense. The authority for this action is AFI 36-3208, para 5.52.3. If my recommendation is approved, your service will be characterized as general or honorable. I am recommending that your service be characterized as general.
2. My reason for this action is that on 21 Feb 95 you were found guilty, by Special Court Martial, of disobeying a direct order by using your Government American Express card for purposes other than official government business and uttering checks for which you had insufficient funds to pay. You did these acts with an intent to commit fraud. 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.
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 with [REDACTED] bldg 4714, third floor on 5 April 95 at 1000 hours. 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 within three workdays 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 Flight Medicine, Building 451 at 0730 hours on 6 Apr 95 for the examination. You should neither consume alcohol within 72 hours prior to the examination nor eat or drink anything other than water 12 - 14 hours prior to this exam.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208 is available for your use in your unit Orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

- Attachments:
1. SPCM Order #9
 2. Receipt of Notification