

TYPE		PERSONAL APPEARANCE		X RECORDREVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO				
	X				
MEMBERS SITTING				VOICE OF THE BOARD	
				HON	GEN
				UOHC	OTHER
					DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD	
A93.01, A93.11		A49.00		1	ORDER APPOINTING THE BOARD
				2	APPLICATION FOR REVIEW OF DISCHARGE
				3	LETTER OF NOTIFICATION
HEARING DATE		CASE NUMBER		4	BRIEF OF PERSONNEL FILE
30 MAY 02		FD2002-0033			COUNSEL'S RELEASE TO THE BOARD
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
REMARKS					
Case heard at Washington, DC.					
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		
[REDACTED]			[REDACTED]		
ENDORSEMENT				DATE: 30 MAY 02	
TO:			FROM:		
SAFIMIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 4E WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0033

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 does not dispute the charges of financial irresponsibility. He states that he was young and very irresponsible with money. He believes he has changed for the better and would like an honorable discharge. The record indicates the applicant received an Article 15 for being indebted to the Air Force and failure to pay said debt. Also, the applicant received two Letters of Reprimand for being delinquent in paying his just debts. No inequity or impropriety in his discharge was suggested or found in the course of the records review. The DRB recognized the applicant was 23 years of age when the discharge took place. However there is no evidence of record to indicate he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first term members who properly adhere to the Air Force standards of conduct and financial responsibility. The Board concluded that the character and reason for discharge were appropriate due to his unsatisfactory performance concerning his finances.

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 or change the reason for 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) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 92/10/20 UP APR 39-10, para 5-26 (Unsatisfactory Performance). Appeals for Honorable Disch,

2. BACKGROUND:

a. DOB: 69/03/02. Enlmt Age: 20 4/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A, A-54, E-45, G-41, M-43. PAFSC: 60555 - Air Transportation Specialist. DAS: 91/07/25.

b. Prior Sv: (1) AFRes 89/07/28 - 89/11/20 (3 months 23 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 89/11/21 for 4 yrs. Svd: 02 Yrs 11 Mo 01 Das, all AMS.

b. Grade Status: A1C - 91/09/21
AMN - 90/05/21

c. Time Lost: none.

d. Art 15's: (1) 92/04/07, Tinker AFB, OK - Article 134. You, being indebted to the United States Air Force in the sum of \$111.11 for overpayment of a personal property claim, which amount became due and payable on or about 15 Jul 92, did, from 15 Jul 92, to 21 Aug 92, dishonorably fail to pay said debt. Fourteen days restriction and 14 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 20 JUL 92 - Delinquent in paying just debts.

f. CM: none.

g. Record of SV: 89/11/21 - 91/06/11 Clark AB 3 (PCS)
91/06/12 - 91/11/21 Tinker AFB 3 (Initial)
91/11/22 - 92/09/28 Tinker AFB 2 (Cmdr Dir) REF

(Discharged from Tinker AFB)

h. Awards & Decs: NDSM, AFOSLTR, AFOSSTR, AFTR, AFOEA.

i. Stmt of Sv: TMS: (03) Yrs (02) Mos (28) Das
TAMS: (02) Yrs (11) Mos (01) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/01/17.

(Change Discharge to Honorable)

Issue 1: To Whom It May Concern, I am writing in hopes of having my discharge changed to honorable. The main reason for my-discharge was due to financial irresponsibility. I don't dispute those charges, in fact I fully agree. I was very young and very irresponsible with money, as well as a number of things in my life. I have no one to blame but myself. I'm ashamed to say it took me many years to grow up and get my life together. Almost ten years have passed since my discharge and I can honestly say, for the first time in my life, I am a responsible adult. I have maintained a positive and favorable relationship with my credit union and I am currently employed as a civilian contractor on Ft. Knox Army Post. My main reason for asking for this review is to hopefully use my GI Bill benefits to continue my education, and more importantly remove this black cloud that has been over my head for so many years. I honestly wouldn't ask unless I truly believed I have changed for the better.

ATCH

1. DD Form 214.

02/05/08/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS OKLAHOMA CITY AIR LOGISTICS CENTER (AFMC)
TINKER AIR FORCE BASE, OKLAHOMA

FROM: OC-AIC/JA
Bldg 460
Tinker AFB, OK 73145-5000

15 October 1992

SUBJ: Legal Review, AFR 39-10 Discharge Action, [REDACTED]

TO: 654 SPIG/CG [REDACTED]

1. I have reviewed the proposed discharge action against [REDACTED] and find it legally sufficient to support the discharge, subject to the file containing a medical examination report indicating the respondent is medically qualified for world-wide duty and separation.

2. Basis of Action: Respondent's Commander recommends discharge under AFR 39-10, paragraph 5-26d, Unsatisfactory Performance, Irresponsibility in the Management of Personal Finances. After consultation with counsel, respondent has submitted a statement in his own behalf. See Tab 2, Atch 3. The Commander recommends a general discharge.

3. Summary of the Evidence:

a. For the Government:

(1) On 15 Jul 92, respondent was delinquent in paying just debts to the national Scholastic Society in Ramsey NJ in the amount of \$220.00, and to AAFES credit program in the amount of \$241.00. As a result of these two deficiencies, respondent received a Letter of Reprimand, dated 20 Jul 92.

(2) On 10 Aug 92, respondent had failed to make timely payments of a just debt owed by him to GMAC of Oklahoma City OK. His last payment made on a vehicle in his possession was on 4 May 92. As a result, respondent received a Letter of Reprimand, dated 13 Aug 92, with Unfavorable Information File action.

(3) From a period of time 15 Jul 92 through 21 Aug 92, respondent failed to pay a just debt in the amount of \$111.00 to the United States Air Force. This debt was the result of an overpayment of a personal property claim. As a result, respondent received an Article 15, dated 2 Sep 92. Punishment was restriction to Tinker Air Force Base for 14 days and 14 days extra duty.

"ATTORNEY'S WORK PRODUCT PREPARED IN DIRECT OR INDIRECT ANTICIPATION OF LITIGATION. NOT FOR RELEASE OR TRANSFER OUTSIDE THE AIR FORCE WITHOUT THE SPECIFIC APPROVAL OF THE ORIGINATOR OR HIGHER AUTHORITY. NOT SUBJECT TO DISCOVERY OR RELEASE UNDER PL 93-502 (5 USC 552)."

b. For the Respondent:

(1) Respondent is 23 years of age, and has been on active military duty for three years and 10 months.

(2) Respondent's AQE scores are as follows: Adm - 54; Elec - 45; Gen - 41; Mech - 43.

(3) Respondent has received 3 enlisted performance reports. Earliest to latest the scores on those reports are: 3, 3, 2.

(4) Respondent has had no formal Air Force training.

(5) Respondent is entitled to wear the following ribbons, awards, and medals: National Defense Service Medal, AF Overseas Service Long Tour Ribbon, AF Overseas Service Short Tour Ribbon, and AF Training Ribbon.

4. Discussion:

By a preponderance of the evidence, the file supports discharge under AFR 39-10, paragraph 5-26d, Unsatisfactory Performance, Irresponsibility in the Management of Personal Finances. Active duty members are required to maintain high standards of conduct, both on and off duty. It is vital that active duty members uphold and maintain the dignity and good reputation of the Air Force at all times and in all places. Respondent has received two Letters of Reprimand, one with Unfavorable Information File action, and one Article 15. We recommend immediate separation of the respondent.

5. Characterization: An honorable discharge is the appropriate characterization when the airman's service has generally met Air Force standards of acceptable conduct and performance of duty. Characterization of service as general indicates that significant negative aspects of the airman's conduct or performance of duty outweigh the positive aspects of the member's record. In this case, respondent's pattern of misconduct is contrary to Air Force standards of acceptable performance of duty. The negative aspects of the airman's conduct outweigh the positive aspects of respondent's military record. Respondent's Commander recommends a general discharge. We concur.

6. Probation and Rehabilitation: Probation and rehabilitation is not warranted in this case. Respondent has been given ample opportunity to rehabilitate himself and has not responded favorably. The criteria established in AFR 39-10, para 7-3, have not been met.

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7. Options of the Separation Authority - 654 SPTG/CC:

- a. Approve an honorable or general discharge for respondent, with or without probation and rehabilitation, or
- b. Disapprove the discharge and retain the respondent on active duty.

9. Recommendation: That [REDACTED] be discharged from the United States Air Force under AFR 39-10, paragraph 5-26d, for Unsatisfactory Performance, Irresponsibility in the Management of Personal Finances, with a general discharge, without probation and rehabilitation. Sign letter-at Tab

[REDACTED]
Major, USAF
Chief, General Law Division
V

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FD2002-0033



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS OKLAHOMA CITY AIR LOGISTICS CENTER (AFMC)
TINKER AIR FORCE BASE, OKLAHOMA

FROM: 654 SG/CCQ
Bldg 460
Tinker AFB OK 73145-5000

2 October 1992

SUBJ: Notification Letter

TO: [REDACTED] 654 SG

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance. The authority for this action is AFR 39-10, paragraph 5-26d, Irresponsibility in the Management of Personal Finances. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 15 Jul 92, you were delinquent in paying just debts to the National Scholastic Society in Ramsey NJ in the amount of \$220.00, and to AAFES credit program in the amount of \$241.00. As a result of these two deficiencies, you received a Letter of Reprimand (LOR), dated 20 Jul 92. See Atch 1.

b. On 10 Aug 92, you had failed to make timely payments of a just debt owed by you to GMAC of Oklahoma City OK. Your last payment made on a vehicle in your possession was on 4 May 92. As a result, you received a Utter of Reprimand, dated 13 Aug 92, with Unfavorable Information File action (UIF). See Atch 2.

c. From a period of time 15 Jul 92 through 21 Aug 92, you failed to pay a just debt in the amount of \$111.11 to the United States Air Force. This debt was the result of an overpayment of a personal property claim. As a result, you received an Article 15, dated 2 Sep 92. Punishment was restriction to Tinker Air Force Base OK for 14 days and 14 days extra duty. See Atch 3.

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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made arrangements for you to consult Capt [REDACTED] at Bldg 452, Tinker AFB, OK, on 5 Oct 92 at 0900 hours. If it is necessary to change this appointment time, call [REDACTED] at 405/739-7713. 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 7 Oct 92, 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 were scheduled for a medical examination on 21 Sep 92, and you should have reported to the Tinker AFB Hospital, Physical Exam Section, on that date for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.

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



Major, USAF

Commander, HQ SQ