

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.09	INDEX NUMBER A67.10	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 FD2002-0098	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, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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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

FD02-0098

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 by failing to show at her appointed time. The case was reviewed as a non-personal appearance.

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 contest her discharge, she only desires that her discharge be reviewed and upgraded. The record indicates the applicant received an Article 15 for writing a bad check. In addition, she received four Letters of Reprimand for a civil arrest for writing a bad check, failure to obey a lawful order, failure to pay just debts, and failure to go. And, a Letter of Counseling, a verbal counseling, and a Memorandum for Record for failure to pay just debts (twice), and failure to go. The DRB took note of the applicant's duty performance as documented by her performance and other information contained in the records. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were the basis for this case. No inequity or impropriety in her discharge was suggested or found in the course of the records review. Her misconduct was a significant departure from conduct expected of all military members. The Board concluded that the character and reason for discharge were appropriate due to her 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 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

[REDACTED]

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/02/22 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 76/03/11. Enlmt Age: 21 1/12. Disch Age: 22 11/12. Educ:HS DIPL. AFQT: N/A. A-95, E-53, G-50, M-19. PAFSC: 3P031 - Security Forces Apprentice. DAS: 76/03/11.

b. Prior Sv: (1) AFRes 97/04/30 - 97/05/06 (7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 97/05/07 for 4 yrs. Svd: 01 Yrs 09 Mo 16 Das, all AMS.

b. Grade Status: A1C - 98/09/07
AMN - 97/11/07

c. Time Lost: none.

d. Art 15's: (1) 99/02/02, Eglin AFB, FL - Article 134. You did, within the continental United States on or about 21 Nov 98, make and utter to ----- a certain check, in words and figures as follows, to wit: Check Nr. 340, in the amount of \$395.00, dated 21 Nov 98, for the purpose of obtaining plane tickets, and did thereafter dishonorable fail to maintain sufficient funds in the ----- Bank for payment of such check in full upon its presentment for payment. Forty five day extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR,UIF, 11 DEC 98 - Civil arrest for bad check.
LOR, 05 OCT 98 - Failure to obey a lawful order.
LOR, 05 OCT 98 - Failure to pay just debts.
MFR, 14 AUG 98 - Failure to pay just debts.
LOC, 10 AUG 98 - Failure to go.
LOR, 10 AUG 98 - Bad check.
VBC, 01 APR 98 - Failure to pay just debts.

f. CM: none.

g. Record of SV: none.

(Discharged from Eglin AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (09) Mos (23) Das
TAMS: (01) Yrs (09) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/02/18.
(Change Discharge to Honorable)

Issue 1: I would like an opportunity to have my discharge reviewed. During the term I spent in the Air Force it literally changed my life. At the time of my enlistment my income help to support my family in New York. I can honestly say I did not know how to manage my money. My life outside of the military was chaos. But through the help of the military family I was able to put my life together. Being discharged ruined my sense of self. I had to find my place again in society. Now the choice has come to correct something that in my eyes was wrong. I would like to have a honorable discharge.

At this moment in my life I'm faced with a chronic liver disorder and colon disorder. My time on earth is limited. When my family buries my (sic) I feel I'm entitled to have that American Flag over my coffin. As I write this words I'm struck to tears.

In conclusion, I served my country to the best of my ability and only wish to have the discharge that promotes honor and gratitude. Thank you for reading my "issues" and look at my file with an open mind and heart. Be not swayed with the negative paperwork.

ATCH
none.

02/06/17/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR ARMAMENT CENTER (AFMC)
EGLIN AIR FORCE BASE, FLORIDA

FD 2002-00 98

FEB 12 1999

MEMORANDUM FOR 96 ABW/CC [REDACTED]

FROM: AAC/JAJ

SUBJECT: Legal Review, AFI 36-3208 Administrative Discharge, [REDACTED]
[REDACTED] 96 SFS (AFMC)

- 1. LEGAL SUFFICIENCY:** I have reviewed the attached discharge package of [REDACTED] (respondent). Subject to a medical determination that respondent is qualified for worldwide duty, I find it legally sufficient to support a discharge under AFI 36-3208, chapter 5, section H (Misconduct), paragraph 5.49, Minor Disciplinary Infractions.
- 2. INITIATION OF ACTION:** On 5 Feb 99, [REDACTED] 96 SFS Commander, notified the respondent that he was recommending the respondent be administratively discharged for Minor Disciplinary Infractions under AFI 36-3208, chapter 5, section H, paragraph 5.49. Lt Col Marchand recommends that the respondent receive a general discharge without probation and rehabilitation (P&R). The respondent is not entitled to an administrative discharge board.
- 3. EVIDENCE CONSIDERED FOR THE GOVERNMENT:** The respondent has engaged in numerous acts of misconduct since 1 Apr 98. The acts of misconduct include three instances of failure to pay her just debts, three instances of making or uttering a check without sufficient funds in her account, failure to obey an order to remain at quarters to have a color television retrieved by the vendor after payment had not been made on the television, and failure to go to her appointed place of duty. For these acts of misconduct, the respondent received a verbal counseling, a letter of counseling (LOC), a memorandum for record (MFR), four letters of reprimand (LOR), an unfavorable information file (UIF), entry on the control roster, and punishment under Article 15, UCMJ. Copies of the supporting documents are attached to the notification memorandum. (Tab 1)
- 4. EVIDENCE CONSIDERED FOR THE RESPONDENT:** The respondent is a 22 year old security forces journeyman who enlisted in the Air Force on 7 May 97. She was assigned to her current unit on 10 Sep 97. The respondent submitted a statement to the commander, which describes her background, states that she has taken steps to correct her financial problems, and highlights the volunteer work she has done since she joined the Air Force. The respondent requests that she be given probation and rehabilitation. The respondent also included with her statement the letters of four Air Force members (ranging in rank from SrA to MSgt), who indicate that the respondent is a good airman and she deserves a second chance. Finally, the respondent included copies of printouts indicating her participation in Consumer Credit Counseling. (Tab 3)

5. DISCUSSION:

a. Separation Criteria and Character of Discharge: Subject to a medical determination that respondent is qualified for worldwide duty, the file is legally sufficient to support discharge pursuant to AFD 36-22 and AFI 36-3208, chapter 5, section H, paragraph 5.49. As the Special Court-Martial Convening Authority you may take final action in this case. Discharge under paragraph 5.49 can be described as honorable, general or under other than honorable conditions (UOTHC). An honorable discharge would be appropriate when the member's service has been so meritorious that any other characterization would be clearly inappropriate. A general discharge is warranted when an airman's service has been honest and faithful but significant negative aspects of the airman's performance of duty outweigh positive aspects of the airman's military record. A UOTHC discharge is appropriate when there has been a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of airmen. Only the General Court-Martial Convening Authority can approve a UOTHC or honorable service characterization.

b. Probation & Rehabilitation (P&R): Respondent is eligible for P&R, under AFI 36-3208, Chapter 7. P&R is limited to deserving cases, including those where the airman has demonstrated a potential to serve satisfactorily, has the capacity to be rehabilitated for continued military service or for completion of the current enlistment, or whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. The respondent provided many statements attesting to her rehabilitative potential; however, the respondent's commander recommends against P&R. The file indicates that past rehabilitative efforts, as set forth in paragraph 3, have been unsuccessful. Consequently, P&R is not recommended in this case.

6. OPTIONS: As the Special Court-Martial Convening Authority in this case you have the following options:

- a. Disapprove the discharge action and retain the respondent;
- b. Approve the discharge action and separate the respondent with a general discharge with or without P&R;
- c. Return the file to the unit with a recommendation to reinitiate the case with a recommendation for a UOTHC discharge; or,
- d. Approve the discharge action and refer the separation of the respondent with an honorable discharge to the General Court-Martial Convening Authority for final disposition.

7. RECOMMENDATION: Based on the respondent's repeated misconduct and apparent unwillingness to conform to Air Force policies, I recommend the respondent be discharged from the United States Air Force under AFD 36-32 and AFI 36-3208, chapter 5, section H, paragraph

5.49, with a general discharge, without P&R.

[REDACTED]

I have reviewed the attached discharge package and the foregoing recommendation. I concur in the recommendation.

[REDACTED]

Attachment:
Case File [REDACTED]



FD 2002-00 98

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 96TH AIR BASE WING (AFMC)
EGLIN AIR FORCE BASE FLORIDA

FEB 05 1999

MEMORANDUM FOR [REDACTED]
96 SFS (AFMC)

FROM: 96 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically, Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49. 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 or about 21 Nov 98, you wrote a check to Bluewater Blueshy Travel Inc in the amount of \$395.00 without sufficient funds in your account. For this incident you received an Article 15 dated 3 Feb 99.

b. On or about 3 Dec 98, you were arrested by Okaloosa county Sheriff's Office for passing a worthless check. For this incident you received a Letter of Reprimand (UIF) dated 11 Dec 98 and this information was added to your exiting Unfavorable Information File (UIF).

c. On or about 2 Oct 98, you failed to obey a lawful order when you failed to remain at your quarters to have a 19 inch color television in which you failed to render proper tender picked up at your quarters as you were instructed to do by your supervisor and flight chief. For this incident you received a Letter of Reprimand dated 5 Oct 98. This information was added to your Unfavorable Information File, and you were placed on the Control Roster.

d. On or about 2 Oct 98, it was discovered that you had not paid in full your debt to Travel World as you had agreed to in writing on 19 Aug 98. For this incident you received a Letter of Reprimand dated 5 Oct 98, an Unfavorable Information File was established, and you were placed on the Control Roster.

e. On or about 11 Aug 98, it was discovered that you owed [REDACTED] for phone calls you had made on her telephone and [REDACTED] would have to have her telephone turned off unless she received the money that you owed. For this incident you a Memorandum For Record dated 14 Aug 98 was placed in your Personal Information File.

f. On or about 10 Aug 98, you failed to go at the time to your appointed place of duty. For this incident you received a Letter of Counseling dated 10 Aug 98.

g. On or about 28 Jun 98, you wrote a check to Travel World for a plane ticket, in the amount of \$385.00 with insufficient fund in your account. For this incident you received a Letter of Reprimand dated 10 Aug 98.

h. On or about 1 Apr 98, you were verbally counseled by [REDACTED] about your failure to pay your just debts.

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 in the Air Force. Special pay, bonuses, or education assistance funds may be subject to recoupment.

4. 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 [REDACTED], at building 8, ext. 882-4185, on 5 Feb 99 at 1330 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays from today unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination with the 96th Medical Group on 8 Feb 99, at 0715 hours.

8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on 5 Feb 99, at 1000 hours.

9. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on 9 Feb 99, at 0830 hours.

10. **Immediately after** completion of your 96th Mission Support Squadron separations section briefing report to the 96th Traffic Management Office with your completed AFDTC Form 4134 or LGTT Office Form B133.

11. 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 your unit orderly room.



2 Attachments:

1. Supporting Documents

- 1a. Article 15, dated 3 Feb 99
- 1b. LOR/UIF, dated 11 Dec 98
- 1c. LOR/UIF, dated 5 Oct 98
- 1d. LOR/UIF, dated 5 Oct 98
- 1e. MFR, dated 14 Aug 98
- 1f. LOC, dated 10 Aug 98
- 1f. LOR dated 10 Aug 98
- 1f. MFR dated 1 Apr 98

2. Airman's Acknowledgment