

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
<b>AIC</b>		

<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>						
<b>GEN</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">COUNSEL</td> <td style="width: 50%; padding: 2px;">NAME OF COUNSEL AND OR ORGANIZATION</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; text-align: center;">X</td> </tr> </table>	COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	NO		X		
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YES	NO							
	X							

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	OOTH	OTHER	DENY
					X
					X
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					X

ISSUES <b>A94.53, A92.37, A67.09</b>	INDEX NUMBER <b>A67.90</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr><td style="width: 5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td></tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		1	ORDER APPOINTING THE BOARD	2	APPLICATION FOR REVIEW OF DISCHARGE	3	LETTER OF NOTIFICATION	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
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HEARING DATE <b>02-08-28</b>	CASE NUMBER <b>FD2002-0145</b>																	

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, D.C.**

**Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel, The right to submit an application to the AFBCMR.**

<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	V <b>ENDORSEMENT</b>	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
<b>DATE: 02-08-28</b>		

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0145

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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 is denied.

The Board finds that neither the evidence of record or that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for misconduct, conduct prejudicial to good order and discipline. He had two Articles 15, a Letter of Reprimand, and an Unfavorable Information File. His misconduct included two incidents of missing a mandatory dental appointment, using his government issued travel credit card for unofficial purposes, and 14 months later having failed to pay his government travel card bill in the amount of \$2,536.97 that had been due for 5 months. At the time of the discharge processing, member consulted counsel and waived his right to submit statements in his own behalf. Applicant now states he made bad decisions with regard to his misconduct, does not condone his behavior, and is ashamed of it. While the record shows that were it not for his misconduct, member's duty performance was otherwise satisfactory, the Board cannot condone member's very serious repeated misconduct. His conduct was a significant departure from the standards expected of airmen. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant cited his desire to receive his G.I. Bill education benefits as justification for an upgrade. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is not a matter of equity or propriety that warrants an upgrade.

If the applicant can provide additional information about his discharge, and documented evidence to substantiate his issues, he should consider exercising his right to a personal appearance hearing, and be prepared to present the Board with evidence of an inequity or impropriety as well as any exemplary post-service accomplishments and contributions to the community.

**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) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 96/01/31 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for 71/09/28 Disch.

2. **BACKGROUND:**

a. DOB: 71/09/28. Enlmt Age: 19 5/12. Disch Age: 24 4/12. Educ:HS DIPL. AFQT: N/A. A-60, E-50, G-53, M-44. PAFSC: 3P051 - Security Journeyman. DAS: 93/01/10.

b. Prior Sv: (1) AFRes 91/03/01 - 91/05/19 (2 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 91/05/20 for 4 yrs. Svd: 04 Yrs 08 Mo 12 Das, all AMS.

b. Grade Status: A1C - 96/01/10 (Article 15, 96/01/10)  
SRA - 94/05/20  
A1C - 92/09/20  
AMN - (EPR Indicates): 91/05/20-93/05/28

c. Time Lost: none.

d. Art 15's: (1) 96/01/10, Little Rock AFB, AR - Article 34. You, being indebted to ----- in the sume of \$2,536.97 for purchases, which amount became due and payable on or about 29 July 95, did, from on or about 29 Jul 95, to on or about 15 Dec 95, dishonorably fail to pay said debt. Reduction to A1C, and 30 days extra duty. (No appeal) (No mitigation)

(2) 95/03/28, Little Rock AFB, AR - Article 92. You who knew of your duties, between on or about 31 Aug 94 and on or about 21 Oct 94, on divers occasions, were derelict in the performance of those duties in that you willfully failed to use your government credit card for official purposes only, as it was your duty to do. Reduction to A1C and forfeiture of \$100.00 pay per month for 2 months (suspended until 27 Sep 95), and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 07 JUL 94 - Missed Dental appointment.

f. CM: none.

g. Record of SV: 91/05/20 - 93/05/28 Little Rock AFB 4 (Intial)  
93/05/29 - 94/05/28 Little Rock AFB 4 (Annual)  
94/05/29 - 95/05/28 Little Rock AFB 4 (Annual)

(Discharged from Little Rock AFB)

h. Awards & Decs: AAM W/3 DEVS, AFLSAR, NDSM, AFEM, AFOUA W/2 DEVS,  
AFGCM, SAEMR W/1 DEV.

i. Stmt of Sv: TMS: (04) Yrs (10) Mos (31) Das  
TAMS: (04) Yrs (08) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/03/25.  
(Change Discharge to Honorable)

Issue 1: I completed first enlistment with no incidents and am proud of my  
military service.

Issue 2: Attached to Brief.

**ATCH**

1. Applicant's Issues.

02/07/15/ia

3/26/02

To: Discharge review board,

From: [REDACTED]

Subject: Upgrade request

I am writing this letter to request an upgrade of my discharge. I served my first four years of service from May 1991 to May 1995. I reenlisted in Panama at Howard AFB while deployed in support of the Riots at the refugee camps located at Empire Range. I was separated in January of 1996 from the United States Air Force for abusing my issued government American Express card. I am not proud of this incident nor do I condone it in any way. I am ashamed of my actions at that stage of my life and would give anything to reverse them. I truly loved the Air Force and still do. I am extremely proud that I served in the United States Air Force and would return within a moments notice if required to do so. I am asking for the opportunity to be able to have this upgrade for myself as well as my family and the opportunities it could bring.

During my time in service I was an honor graduate from the Security Force Academy and was assigned to Carswell A.F.B TX. 7<sup>th</sup> SPS. I was allowed to certify as a Weapons Storage Area Entry Controller while I was still an E-2. I was the lowest ranking person to hold this position at Carswell. Upon base closure I received a PCS to Little Rock A.F.B AR in 1993. While at Little Rock I participated as a member of the 314 AW Security Police team in the Air Lift Rodeo 93. Our team won the overall Security Police competition as well as the Combat Endurance course top award and I placed second in the individual endurance course competition. Also that year I was selected as a team member for the AMC Peace Keeper Challenge Team competing at Kirkland AFB NM. Our team placed second in the Endurance course. I also was a member of the 1994 314 SPS Contending Warrior team competing at Indian Springs NV. I am thankful to the Air Force for the opportunities that I had received to represent my unit and command.

I was also given the opportunity to dual certify at LRAFB as a base patrolman and security team leader allowing me to expand and learn all aspects of the Security Police field. I was very motivated and welcomed all opportunities of learning new and challenging aspects of my career field. Furthermore I was assigned to the mobility team and participated in several training and real world deployments including Kenya, Panama and Haiti. I am proud to have served my country during these deployments and am thankful for the opportunities of travel I was given.

Somewhere along the way after my original enlistment I lost sight of the integrity and honor of it took to represent the Air Force. I made bad decisions that led to dishonoring my-self and my unit. I am asking for the opportunity to change this.

Today thanks to hard work, the standards of Air Force training and the chances several key people have given me I am the manager of a leading grocery distribution center in Little Rock AR. Although I feel that I have succeeded in many ways it would the most

rewarding experience of all to have my discharge upgraded and the possibility of benefits such as V.A. and the Montgomery G. I. Bill reinstated.

I thank you for your time. Your consideration of this matter is highly appreciated. I will continue to cherish and honor my time in service and the Air Force regardless of the outcome of this review. Again, thank you for your consideration.



FD 2002-0145



**DEPARTMENT OF THE AIR FORCE**

HEADQUARTERS 314TH AIRLIFT WING (ACC)  
LITTLE ROCK AIR FORCE BASE, ARKANSAS

26 Jan 1996

MEMORANDUM FOR 314 AW/CC

FROM: 314 AW/JA

SUBJECT: Administrative Discharge: [REDACTED]  
314 Security Police Squadron

1. **LEGAL SUFFICIENCY:** I have reviewed the attached case file of [REDACTED] Subject to [REDACTED] being certified medically qualified for worldwide duty and separation, I find it legally and factually supports the recommendation by his commander to separate him with a general under honorable conditions discharge, without a conditional suspension of the discharge for a period of probation and rehabilitation (P&R).

2. **BASIS FOR ACTION:** The basis for the action in this case is AFPD 36-32 and AFI 36-3208, paragraphs 5.50.2. The specific allegations are:

a. Between on or about 29 July 1995 and on or about 15 December 1995, [REDACTED] dishonorably failed to pay his debt to American Express in the amount of \$2,536.97, which became payable on or about 29 July 1995. He received an Article 15 for his misconduct.

b. Between on or about 31 August 94 and on or about 21 October 94, [REDACTED] was derelict in the performance of his duty to use his American Express government credit card for official purposes only. He received an Article 15 for his misconduct and an Unfavorable Information File (UIF) was established.

c. On or about 7 July 94, [REDACTED] missed two mandatory dental appointments. He received a Letter of Counseling for his actions.

3. **PROCEDURAL ASPECTS:**

a. On 22 January 96, [REDACTED] 314 SPS/CC, initiated action under AFPD 36-32 and AFI 36-3208 to involuntarily separate [REDACTED]. [REDACTED] was properly notified of his rights associated with a notification discharge IAW AFPD 36-32 and AFI 36-3208.

b. After consulting with counsel, [REDACTED] waived his right to submit statements. [REDACTED] has recommended [REDACTED] be discharged with a general under honorable conditions discharge and not be afforded probation and rehabilitation under AFI 36-3208, Chapter 7.

4. PERSONAL DATA: [REDACTED] is 24 years old. He enlisted on 20 Jan 95 for a term of four years and was assigned to his current unit on 20 Jan 93. He is entitled to wear the Air Force Achievement Medal with three oak leaf clusters, Air Force Outstanding Unit Award, National Defense Service Medal, Air Force Longevity Award, Small Arms Expert Marksmanship Ribbon, and the Air Force Training Ribbon. He received a 4 on his EPRs dated 28 May 95, 28 May 94, and 28 May 93.

5. DISCUSSION:

a. The evidence in this case file provides a basis for discharge for "A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline." According to AFI 36-3208, paragraph 5.50.2, an airman may be discharged for conduct of a nature that tends to disrupt order, discipline, or morale within the military community. Based on [REDACTED] dishonorable failure to pay debts, misuse of his American Express Government Card, and his missed appointments, discharge under this provision is appropriate.

b. His commander has recommended [REDACTED] service characterization for this term of enlistment be general under honorable conditions. According to AFI 36-3208, paragraph 1.18.2, a characterization of general under honorable conditions is appropriate when significant negative aspects of an airman's conduct or performance of duty outweigh the positive aspects of the airman's military record. Based on [REDACTED] misconduct, a characterization of general under honorable conditions is appropriate.

c. [REDACTED] is eligible for Probation and Rehabilitation (P&R) under AFI 36-3208, paragraph 7.2. Airmen should be offered P&R when: they have demonstrated a potential to serve satisfactorily; they have the capacity to be rehabilitated; and their retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. [REDACTED] misconduct has been repeated and he has not shown the capacity to be rehabilitated. His retention in the Air Force at this time is not consistent with the maintenance of good order and discipline.

6. OPTIONS: As the separation authority you must determine whether the allegations are supported in fact. If you find the allegations are not supported in fact, you must retain [REDACTED]. If you find the allegations are supported in fact, you may:

- a. Direct that the respondent be retained,
- b. Direct that the respondent be separated with a general discharge, with or without P&R,
- c. Recommend to 8 AF/CC that the respondent be separated with an honorable discharge, with or without P&R, or
- d. Direct that the case be reinitiated and processed according to AFI 36-3208, chapter 6, section C, if you believe that an under other than honorable conditions (UOTHC) discharge is appropriate.



7. RECOMMENDATION: I recommend that you approve [REDACTED] recommendation and discharge [REDACTED] with a general under honorable conditions discharge without P&R.

[REDACTED]

FD 2002-0145



**DEPARTMENT OF THE AIR FORCE**

HEADQUARTERS 314TH AIRLIFT WING (ACC)  
LITTLE ROCK AIR FORCE BASE, ARKANSAS

22 JAN 1996

MEMORANDUM FOR [REDACTED]  
314TH SECURITY POLICE SQUADRON

FROM: 314 SPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general under honorable conditions. I am recommending that your service be characterized as general under honorable conditions.

2. My reasons for this action are:

a. Between on or about 29 July 1995 and on or about 15 December 1995, you dishonorably failed to pay your debt to American Express in the amount of \$2,536.97, which became payable on or about 29 July 1995. You received an Article 15 for your actions. (Atch 1-1)

b. Between on or about 31 Aug 94 and on or about 21 Oct 94, you were derelict in the performance of your duty to use your American Express government credit card for official purposes only. You received an Article 15 for your actions and an Unfavorable Information File (UIF) was established. (Atch 1-2)

c. On or about 7 Jul 94, you missed two mandatory dental appointments. You received a Letter of Counseling for your actions. (Atch 1-3)

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 higher authority will decide whether you will be discharged or retained in the Air Force and if discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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 telephonically with [REDACTED] Area Defense Counsel, Whiteman AFB. Go to Bldg 1255, Rm 201, Telephone 3260 on 23 Jan 96 at 1300 hours and the defense paralegal will arrange for you to consult with him. 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 by 3 workdays 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 in your own behalf, your failure will constitute a waiver of your right to do so.
- 7. You have been scheduled for a medical examination. You must report to Little Rock AFB Hospital at 0800 hours on 25 Jan 96 for the examination.
- 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 Orderly Room.
- 9. Execute the attached acknowledgment and return it to me immediately.



Commander

- Attachments:
- 1-1 Art 15, 16 Jan 96
  - 1-2 Art 15, 29 May 95
  - 1-3 Letter of Counseling