

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	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%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	NO		X		
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 A94.05	INDEX NUMBER A47.00	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

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 18 DEC02
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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

FD02-0159

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: The applicant contends his discharge was inequitable because it was too harsh in that it was based on an isolated incident. The records indicated the applicant received a General Court Martial for dishonorably failing to pay just debts. The Board reviewed the record and concluded the conduct for which the applicant was discharged was a significant departure from the conduct expected of all military members. This conduct was sufficiently egregious to characterize applicant's service as under honorable conditions (general). The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 AB) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 97/03/12 UP AFI 36-3208, para 5.50.2 (Dishonorable Failure to Pay Just Debts). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 74/06/18. Enlmt Age: 18 3/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-74, E-61, G-62, M-63. PAFSC: 3A031 - Information Management Apprentice. DAS: 95/04/09.

b. Prior Sv: (1) AFRes 92/09/28 - 93/03/01 (5 Mos 4 Days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 93/03/02 for 4 yrs. Svd: 4 Yrs 0 Mo 11 Das, all AMS.

b. Grade Status: AB - 97/01/28 (GCM Order No 3, 73/03/06)
A1C - 94/07/02
AMN - 93/09/02
AB - 93/03/02

c. Time Lost: None

d. Art 15's: None

e. Additional: LOR, 26 OCT 95 - Financial irresponsibility

f. CM: General Court Martial Order No. 3, 6 Mar 1997, Article 86. See attached.

g. Record of SV: 93/03/02 - 94/11/01 Spangdahlem AB 4 (Initial)
94/11/02 - 95/11/01 Brooks AFB 4 (Annual)
95/11/02 - 96/11/01 Brooks AFB 2 (Annual) REF

(Discharged from Brooks AFB)

h. Awards & Decs: AFOUA, NDSM, AFOLTR, AFRT.

i. Stmt of Sv: TMS: (4) Yrs (5) Mos (15) Das
TAMS: (4) Yrs (0) Mos (11) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/04/04.
(Change Discharge to Honorable)

Issue: My discharge from the USAF was over five years ago, and I feel that this one isolated incident should not continue to be on my record. Prior to this incident I was recognized for several other achievements. (Examples: Selected as a nominee for Senior Airman Below the Zone, Letter of Recognition from the Commanding officer of the OSI. I feel the discredit towards myself and the USAF have been with me long enough. I am truly sorry for my actions and I feel having my discharge upgraded to "Honorable" would be one way for the USAF to say they accept my apology. Thank you for your time in this matter.

ATCH

1. Applicant's Copy of DD Form 214.

02/07/29/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS HUMAN SYSTEMS CENTER (AFMC)
BROOKS AIR FORCE BASE, TEXAS

7 March 1997

MEMORANDUM FOR 70 ABG/CC

FROM: HSC/JA

SUBJECT: Final Legal Review, AFI 36-3208 Administrative Discharge [REDACTED]

1. **LEGAL REVIEW:** The above discharge case has been reviewed and found legally sufficient to support the administrative discharge of [REDACTED] under AFI 36-3206, Chapter 5, Section H, paragraph 5.50.4 for Misconduct - Dishonorable Failure to Pay Just Debts.
2. **BASIS FOR ACTION:** On 5 March 1997, [REDACTED] Squadron Commander, 70th Mission Support Squadron, initiated action to administratively discharge the respondent pursuant to the above provision under AFPD 36-32 and AFI 36-3208. [REDACTED] recommends a general discharge. The respondent has waived his right to submit statements in his behalf. He is not entitled to an administrative discharge board.
3. **EVIDENCE CONSIDERED FOR THE GOVERNMENT:** Between 24 August 1995 to 9 September 1995, [REDACTED] uttered several worthless drafts to the Brooks Air Force Base Commissary totaling approximately \$600.00. For this misconduct, [REDACTED] received a Letter of Reprimand (LOR), dated 26 October 1995. Further, it was discovered through a more thorough investigation, previous to [REDACTED] LOR, he had uttered a number of worthless drafts in excess of \$5,000. Also, on 30 November 1995, [REDACTED] ignored the written warning of future financial irresponsibility contained in the LOR, by issuing another draft over the amount of \$1,500. In addition, he was severely delinquent in payments to two local retailers. For this misconduct, [REDACTED] was court-martialed under the Uniform Code of Military Justice.
4. **EVIDENCE CONSIDERED FOR THE RESPONDENT:** The respondent is a 23 year old, first term airman who has completed his 4 year enlistment. He is entitled to wear the Air Force Training Ribbon, Air Force Overseas Service Long Tour Ribbon, National Defense Service Medal, and the Air Force Outstanding Unit Award w/1 oak leaf cluster. He has 3 Performance Reports on record.
5. **ERRORS AND IRREGULARITIES:** There are no procedural or substantive errors which prejudice the respondents rights.
6. **DISCUSSION:**
 - a. **SEPARATION CRITERIA AND CHARACTER OF DISCHARGE:** This file is legally sufficient to support discharge pursuant to AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.50.4. As the Special Courts-Martial Convening Authority you take final action in this case. Discharge under paragraph 5.50.4. can be described as general or honorable. A general discharge is warranted when an airman's service has been honest and faithful but significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record. An honorable discharge is warranted when the member's record has been so meritorious that any other characterization would be clearly inappropriate. The General Courts-Martial Convening Authority must approve this service characterization.

b. PROBATION AND REHABILITATION: [REDACTED] has had ample opportunity to correct his behavior. Financial Irresponsibility has long been a pattern for him. In an attempt to rehabilitate and correct this problem, his commander ordered him to report to the Family Support Center for financial management counseling. However, [REDACTED] was unreceptive to this help by failing to provide requested documents in a timely manner and sometimes rescheduling an appointment several times before finally attending. [REDACTED] received an LOR on 26 October 1995 for financial irresponsibility. In that LOR, he was clearly warned of more severe consequences for future financial misconduct. He completely disregarded that warning and issued another draft just one month later. Further, he allowed two credit accounts, with two local retailers, to become inexcusably delinquent, again disregarding his warning. His behavior clearly, does not conform to the high standards of discipline and morale expected of a military member in the United States Air Force. Based on the evidence presented by his commander, his behavior has proven to be adverse to good order and discipline.

7. OPTIONS: As the Special Courts-Martial Convening Authority in this case, you have the following options:

a. Approve the discharge action and refer the separation of the respondent with an honorable discharge to the General Courts-Martial Convening Authority for final disposition, or

b. Approve the discharge action and refer the separation of the respondent with a general discharge, or

c. Disapprove the discharge action and retain the respondent.

8. RECOMMENDATION: I recommend [REDACTED] be discharged from the United States Air Force under AFD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraphs 5.50.4, with a general discharge.

[REDACTED]
Staff Judge Advocate USAF

Attachment:
Original Discharge Case File

DEPARTMENT OF THE AIR FORCE
70th MISSION SUPPORT SQUADRON (AFMC)
BROOKS AIR FORCE BASE, TEXAS 78235

MEMORANDUM FOR [REDACTED]

5 March 1997

FROM: 70th MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct - Dishonorable Failure to Pay Just Debts. The authority for this action is AFPD 36-32 and AFI 36-3208, section H, paragraph 5.50.4. 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. Between on or about 24 August 1995 to 9 September 1995, you uttered several worthless drafts to the Brooks Air Force Base Commissary. The amount of these drafts totaled approximately \$600.00. For this misconduct you received a Letter of Reprimand, dated 26 October 1995. Further, in this Letter of Reprimand you were warned that a continuation of financial irresponsibility would be met with more severe actions being taken against you. (Atch a.)

b. A more thorough investigation revealed that previous to your Letter of Reprimand, you had uttered a gross number of worthless checks in excess of \$5,000, to various vendors within the continental United States. Further, on or about 30 November 1995, you disregarded the warning contained in that Letter of Reprimand by uttering a draft over the amount of \$1,500, knowing that you did not have sufficient funds to cover the amount of the draft. In addition, between on or about 10 December 1995 through 11 October 1996, you were inexcusably delinquent in your payments to two local retailers, again disregarding your warning of financial irresponsibility. For this misconduct, you were court-martialed under the Uniform Code of Military Justice. (Atchs b and c.)

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 [REDACTED], AFLSA/ADC, Bldg #7024, 1451 Stewart St, Lackland AFB, TX, on 27 March 1997 at 0800. 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 0930 10 MAR 1997 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 behalf, your failure will constitute a waiver of your right to do so.

6. You are scheduled for a medical examination. **You must report to the Brooks AFB Clinic, Flight Surgeon's Office at 0730 on 7 March 1997 to complete a questionnaire. You must report to Primary Care at 0830 for the examination.**

7. 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 unit orderly room.


 USAF

Commander

Attachments:

1. Supporting Documents
 - a. Letter of Reprimand, dtd 26 Oct 96
 - b. Background Narrative; OSI Report, pgs 4 - 9, dtd 28 Oct 96
 - c. AF Form 1359, 28 Jan 97
2. Airman's Receipt of Notification Memorandum