

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AMN</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<b>X</b>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A95.00</b>	INDEX NUMBER <b>A67.90</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 5px; text-align: center;"><b>1</b></td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>2</b></td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>3</b></td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>4</b></td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	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>5 NOV 02</b>	CASE NUMBER <b>FD2002-0161</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, the right to a personal appearance, and the right to submit an application to the AFBCMR.**

SIGNATURE OF BOARD MEMBER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>5 NOV 02</b>
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0161

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. 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 applicant received an Article 15 for being derelict in the performance of his duties in that he willfully used his official government credit card for purposes other than for official business. He also received two Letters of Reprimand and six Letters of Counseling for financial irresponsibility (three times), failure to follow rules of conduct, failure to follow standards, rules and regulations, failure to document maintenance forms, failure to perform maintenance on aircraft and lack of responsibility. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

**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 AMN) (HGH AIC)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 95/06/15 UP AFI 36-3208, para 5.50.2 (Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 73/08/05. Enlmt Age: 19 5/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-67, E-79, G-84, M-61. PAFSC: 2A432 - Aircraft Communications & Navigations Systems Apprentice. DAS: 93/09/09.

b. Prior Sv: (1) AFRes 93/01/06 - 93/01/19 (14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AMN 93/01/20 for 4 yrs. Svd: 2 Yrs 4 Mo 26 Das, all AMS.

b. Grade Status: AMN - 94/09/30 (Article 15, 94/09/30)  
A1C - 93/11/20  
AMN - 93/01/20

c. Time Lost: None

d. Art 15's: (1) 94/09/30, Little Rock AFB, AR, Article 92. You, who knew of your duties, from on or about 23 Mar 1994 to 19 Aug 94, were derelict in the performance of those duties in that you willfully used your official government credit card for purposes other than official business, contrary to your duty. Reduction to the grade of AMN, a reprimand, and suspended forfeiture of \$200.00 pay per month for two months. (No appeal) (No mitigation).

e. Additional: LOR, 31 MAY 95 - Financial irresponsibility.  
LOR, 26 MAY 95 - Failure to follow rules of conduct.  
LOC, 18 JAN 95 - Failure to follow standards, rules and regulations.  
RIC, 3 JAN 95 - Financial irresponsibility.  
RIC, 19 DEC 94 - Financial irresponsibility.  
RIC, 21 APR 94 - Failure to document maintenance forms.  
LOC, 19 APR 94 - Failure to perform maintenance on aircraft.  
LOC, 08 MAR 94 - Lack of responsibility.

f. CM: None

g. Record of SV: 93/01/20 - 94/09/19 Little Rock AFB 3 (Initial)

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (10) Das  
TAMS: (2) Yrs (4) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/01.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

None

02/07/29/cr

FD2007-0161



DEPARTMENT OF THE AIR FORCE

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

8 Jun 95

MEMORANDUM FOR 314 AW/CC

FROM: 314 AW/JA

SUBJECT: Administrative Discharge: [REDACTED]  
53rd Airlift 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, paragraph 5.50.2, A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The specific allegations are:

a. On or about 23 March 1995, [REDACTED] issued a check to Little Rock Air Force Base Exchange in the amount of \$16.69, and he did not have sufficient funds to pay this check. He received a Letter of Reprimand for his actions. ???

*WOULD HAVE BEEN ESCALATED TO THE PAIN.*

b. On or about 13 May 1995, [REDACTED] was a passenger in a vehicle that was involved in a driving while intoxicated (DWI) incident. He was at fault by soliciting and/or allowing another military member to commit the offense. He received a Letter of Reprimand for his actions.

c. On or about 5 January, [REDACTED] failed to turn in volume 3 of his CDCs in a timely manner, and on or about 10 January 1995, he failed to report to the hospital for his scheduled hearing appointment. By doing so, he failed to uphold his responsibilities. He received a Letter of Counseling for his actions.

d. On or about 3 January 1995, [REDACTED] had been identified as carrying an unauthorized balance of \$4,036.99 on his American Express Card. His payment was overdue. He received a Letter of Counseling for his actions.

*?*

e. On or about 19 December 1994, [REDACTED] neglected to uphold his obligation for a ring that he purchased. He failed to pay just debts. He received a Letter of Counseling for his actions.

f. On or about 23 March 1994 to on or about 19 August 1994, [REDACTED] willfully used his official government credit card for purposes other than official business. He received an Article 15 for his actions. An Unfavorable Information File (UIF) was also established.

g. On or about 19 April 1994, [REDACTED] failed to document a #1 ADF which [REDACTED] of QA had removed. He received an individual rating of "UNSAT". He received a Letter of Counseling for his actions.

h. On or about 19 April 1994, [REDACTED] showed a lack of integrity by failing to perform maintenance on aircraft. He received a Letter of Counseling for his actions.

i. On or about 8 March 1994, [REDACTED] displayed a lack of responsibility by not doing his job correctly. He received a Letter of Counseling for his actions.

### 3. PROCEDURAL ASPECTS:

a. On 5 June 1995, [REDACTED] initiated action under AFPD 36-32 and AFI 36-3208 to involuntarily separate [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] submitted statements. [REDACTED] has recommended [REDACTED] be discharged with a general under honorable conditions discharge. [REDACTED] is eligible for probation and rehabilitation according to AFI 36-3208, Chapter 7.

4. PERSONAL DATA: [REDACTED] is 21 years old. He enlisted on 20 January 1993 for a term of four years and was assigned to his current unit on 9 September 1993. He is entitled to wear the National Defense Service Medal and the Air Force Training Ribbon. He also received a Letter of Appreciation.

### 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 if significant negative aspects of his conduct or performance of duty outweigh positive aspects of the airman's military record.

b. His commander has recommended [REDACTED] service characterization for this term of enlistment be a general under honorable conditions discharge. According to AFI 36-3208, paragraph 5.50.2, a characterization of general under honorable conditions is appropriate when the negative aspects of his conduct or performance of duty outweigh 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 signature]  
[redacted], USAF  
Assistant Staff Judge Advocate

I concur. This discharge is long overdue. Member should have been discharged in January.

[redacted signature]  
[redacted], Major, USAF  
Staff Judge Advocate

FD 2002-0161



**DEPARTMENT OF THE AIR FORCE**

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

05 JUN 1995

MEMORANDUM FOR [REDACTED]

FROM: 53 AS/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 AFD 36-32 and AFI 36-3208, paragraph 5.502. 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. On or about 23 March 1995, you issued a check to Little Rock Air Force Base Exchange in the amount of \$16.69, and you did not have sufficient funds to pay this check. You received a Letter of Reprimand for your actions. (Atch 1-1)

b. On or about 13 May 1995, you were a passenger in a vehicle that was involved in a driving while intoxicated (DWI) incident. You were at fault by soliciting and/or allowing another military member to commit the offense. You received a Letter of Reprimand for your actions. (Atch 1-2)

c. On or about 5 January 1995 you failed to turn-in volume 3 of your CDCs in a timely manner, and on or about 10 January 1995, you failed to report to the hospital for your scheduled hearing appointment. By doing so, you failed to uphold your responsibilities. You received a Letter of Counseling for your actions. (Atch 1-3)

d. On or about 3 January 1995, you had been identified as carrying an unauthorized balance of \$4,036.99 on your American Express Card. Your payment was overdue. You received a Letter of Counseling for your actions. (Atch 1-4)

e. On or about 19 December 1994, you neglected to uphold your obligation to pay for a ring that you purchased. You failed to pay just debts. You received a Letter of Counseling for your actions. (Atch 1-5)



f. On or about 23 March 1994 to on or about 19 August 1994, you willfully used your official government credit card for purposes other than official business. You received an Article 15 for your actions. An Unfavorable Information File (UIF) was also established. (Atch 1-6)

g. On or about 19 April 1994, you failed to document a #1 ADF which [redacted] of QA had removed. You received an individual rating of "UNSAT". You received a Letter of Counseling for your actions. (Atch 1-7)

h. On or about 19 April 1994, you showed a lack of integrity by failing to perform maintenance on aircraft. You received a Letter of Counseling for your actions. (Atch 1-8)

i. On or about 8 March 1994, you displayed a lack of responsibility by not doing your job correctly. You received a Letter of Counseling for your actions. (Atch 1-9)

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 [redacted] Area Defense Counsel, Bldg 1255, Rm 201, Telephone 3260 on 6 Jun 95 at 1430 hours. You may consult civilian counsel at your own expense.

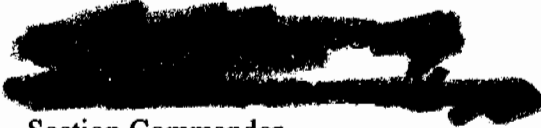
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 3 workdays unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 0730 hours on 7 Jun 95 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.

 USAF  
Section Commander

**Attachments:**

- 1-1 LOR, 31 May 95
- 1-2 LOR, 26 May 95
- 1-3 LOC, 19 Jan 95
- 1-4 LOC, 3 Jan 95
- 1-5 LOC, 19 Dec 94
- 1-6 Article 15, 30 Sep 94
- 1-7 LOC, 21 Apr 94
- 1-8 LOC, 19 Apr 94
- 1-9 LOC, 8 Mar 94