

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		[REDACTED]	[REDACTED]			
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
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES A94.05		INDEX NUMBER A67.10		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		
HEARING DATE 4 NOV 02		CASE NUMBER FD2002-0275		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE HEARING		
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 with/without counsel, and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
[REDACTED]			[REDACTED]			
INDORSEMENT				DATE: 4 NOV 02		
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			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0275

**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:** Applicant contends that her discharge was improper because she paid the debts and states that she was not AWOL. The record indicates the applicant received three Article 15's. The first one for being AWOL, failure to go and failure to pay just debts. The second one for dishonorably failing to pay a just debt. This Article 15 resulted in a Vacation action, which reduced her to the grade of Airman Basic. The third Article 15 was for failure to pay just debts. In addition, the applicant received three Letters of Reprimand and two Letters of Counseling for financial irresponsibility, failure to return to local area after completion of leave, being late for work on three occasions, and for failure to report back to duty on time. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/05/16 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 77/07/06. Enlmt Age: 19 7/12. Disch Age: 23 10/12. Educ: HS DIPL. AFQT: N/A. A-55, E-39, G-36, M-20. PAFSC: 2S051 - Supply Journeyman. DAS: 99/11/01.

b. Prior Sv: (1) AFRes 97/03/04 - 97/05/27 (2 Mos 24 Days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 97/05/28 for 4 yrs. Svd: 3 Yrs 11 Mos 19 Das, all AMS.

b. Grade Status: AB - 00/12/19 (Vacation of Article 15, 01/03/21)  
AMN - 00/12/19 (Article 15, 00/12/19)  
A1C - 98/09/28  
AMN - 97/11/28

c. Time Lost: None.

d. Art 15's: (1) 01/04/03, Davis Monthan AFB, AZ - Article 134. You, being indebted to ----- in the sum of \$800.78 for United States currency, which amount became due and payable on or about 17 Jan 01, did, from on or about 17 Jan 01 to on or about 6 Mar 01, dishonorably fail to pay said debt. You, being indebted to -----, in the sum of \$773.27 for United States currency, which amount became due and payable on or about 26 Jan 01, did, from on or about 26 Jan 01 to on or about 6 Mar 01, dishonorably fail to pay said debt. You, being indebted to -----, in the sum of \$271.75 for a rental car, which amount became due and payable on 16 Nov 00, did, from on or about 16 Nov 00 to on or about 19 Mar 01, dishonorably fail to pay said debt. Thirty days restriction. (No appeal) (No mitigation)

(2) 01/03/21, Vacation, Davis Monthan AFB, AZ - Article 134. You, being indebted to -----in the sum of \$800.78 for United States currency, which amount became due and payable on or about 17 Jan 01, did, from on or about 17 Jan 01 to on or about 6 Mar 01, dishonorably fail to pay said debt. You, being

indebted to -----in the sum of \$773.27 for United States currency, which amount became due and payable on or about 26 Jan 01, did, on or about 26 Jan 01 to on or about 6 Mar 01, dishonorably fail to pay said debt. Reduced to the grade of AB. (No appeal) (No mitigation)

- (3) 00/12/19, Davis Monthan AFB, AZ - Article 86. You did, on or about 4 Nov 00, without authority, absent yourself from your organization, and did remain so absent until on or about 6 Nov 00. Article 92. You, having knowledge of a lawful order issued by Master Sergeant ----- to report to the First Sergeant's office at 1200 hours on 15 Nov 00, an order which it was your duty to obey, did, on or about 15 Nov 00, fail to obey the same by wrongfully failing to report to the First Sergeant's office. Article 134. You, being indebted to ----- in the sum of \$401.83 for rental furniture, which amount became due and payable on 4 Nov 00, dishonorably fail to pay said debt. You, being indebted to ----- in the sum of \$271.75 for a rental car, which amount became due and payable on 16 Nov 00, did, from on or about 16 Nov 00 to on or about 28 Nov 00, dishonorably fail to pay said debt. Reduction to AMN, suspended reduction to the grade of AB, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 30 AUG 00 - Financial irresponsibility.  
 LOR, 30 AUG 00 - Failure to return to local area after completion of leave.  
 LOR, 10 JUL 00 - Late for work on two occasions.  
 LOC, 27 JUN 00 - Failure to report back to duty on time.  
 LOC, 12 JUN 00 - Late for work.

f. CM: None.

- g. Record of SV: 97/05/28 - 99/01/27 Ramstein AB 2 (Initial) REF  
 99/01/28 - 99/08/20 Ramstein AB 3 (CRO) REF  
 99/08/21 - 00/08/20 Davis Monthan AFB 3 (Annual) REF

(Discharged from Davis Monthan AFB)

h. Awards & Decs: AFTR, AFOUA, AFGCM.

- i. Stmt of Sv: TMS: (4) Yrs (2) Mos (13) Das  
 TAMS: (3) Yrs (11) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/06/18.  
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

**ATCH**

1. Applicant's Issues.
2. College Admission Letter.
3. Dismissal of Case by Pima County Court.
4. UTMB Phone Statement.

02/10/04/cr



FD 2002-0275

**DEPARTMENT OF THE AIR FORCE**  
HEADQUARTERS 355TH WING (ACC)  
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

MEMORANDUM FOR 355 WG/CC

MAY 14 2001

FROM: 355 WG/JA

SUBJECT: Legal Review, Administrative Discharge Action, [REDACTED]

1. The attached file concerning the proposed discharge of the respondent, [REDACTED] 355 SUPS, is legally sufficient to separate her with a general discharge for misconduct, contingent upon inclusion of a medical report clearing her for separation. The authority for this action is AFPD 36-32 and AFI 36-3208, para. 5.49.

2. **FACTS:** On 2 May 01, 355 SUPS/CC, [REDACTED] notified the respondent he was recommending her discharge from the Air Force for misconduct, pursuant to AFPD 36-32 and AFI 36-3208, para. 5.49. The specific basis for the discharge is minor disciplinary infractions. [REDACTED] has recommended [REDACTED] be given an under honorable conditions (general) discharge without suspension for probation and rehabilitation (P & R). The respondent is not entitled to a board hearing. On 2 May 01, the respondent acknowledged receipt of the notification memorandum. After consulting counsel, on 10 May 01, the respondent submitted statements on her behalf.

3. **SUMMARY OF EVIDENCE FOR THE GOVERNMENT:** The basis for this discharge action is the respondent's minor disciplinary infractions: (Tab 1):

a. On or about 12 Jun 00, the respondent failed to go at the time prescribed to her appointed place of duty. As a result, she received a Letter of Counseling (LOC).

b. On or about 26 Jun 00, the respondent failed to return to duty after attending a class and a personal appointment. As a result, she received an LOC.

c. On or about 7 and 10 Jul 00, the respondent failed to go at the time prescribed to her appointed place of duty. As a result, she received a Letter of Reprimand (LOR).

d. On or about 19 Aug 00, the respondent failed to return to the local area at the end of her leave and remained absent until 25 Aug 00. As a result, she received an LOR, she was placed on the control roster, and an Unfavorable Information File (UIF) was established.

e. On or about 20 Aug 00, the respondent dishonorably failed to pay her debt to Rent-A-Center. As a result, she received an LOR and an entry was made in her existing UIF.

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f. On or about 4 Nov 00, the respondent absented herself, without authority, from her organization and remained absent until on or about 6 Nov 00. On or about 15 Nov 00, she failed to obey a lawful order issued [REDACTED]. From on or about 4 Nov 00 to on or about 28 Nov 00, she dishonorably failed to pay a debt to Rent-A-Center. From on or about 16 Nov 00 to on or about 28 Nov 00, she failed to pay a debt to Enterprise Rent-A-Car. As a result, she received punishment under Article 15 of the UCMJ and an entry was made in her existing UIF.

g. From on or about 17 Jan 01 to on or about 6 Mar 01, the respondent dishonorably failed to pay a debt to Bank of America. From on or about 26 Jan 01 to on or about 6 Mar 01, she dishonorably failed to pay a different debt to Bank of America. As a result, she received vacation of suspended nonjudicial punishment, punishment under Article 15 of the UCMJ, and an entry was made in her existing UIF.

**4. SUMMARY OF EVIDENCE FOR THE RESPONDENT:** The respondent is a 23-year old airman, who originally enlisted on 28 May 97. She was assigned to her present unit on 1 Nov 99. Her AQE scores are A-55, E-39, G-36, M-20. She has three referral enlisted performance reports with overall ratings of three, three and two. The respondent is entitled to wear the Air Force Outstanding Unit Award, Air Force Good Conduct Ribbon, Air Force Overseas Long Ribbon and the Air Force Training Ribbon. In the respondent's more recent enlisted performance report, she was praised for "delivering responsive mobility support for the wing's real-world contingencies and AEF deployments." After consulting counsel, the respondent submitted a statement on her behalf and five character references. In her statement, she asks that she be allowed to complete her term of enlistment, which ends on 27 May 01, so she can separate with an honorable characterization. Alternatively, if this discharge action is approved, the respondent asks that she be separated with an honorable characterization.

**5. DISCUSSION:** You may consider this legal review, the commander's recommendation memorandum, and the documents contained in Tab 1 to decide if there is a basis for discharge. If you determine there is a basis for discharge, you may consider all documentation reflecting the respondent's entire military career to determine if she should be discharged. As the respondent is a first-term airman, you may consider all documents reflecting her entire military career to determine the characterization of her service.

a. The record in this case contains sufficient evidence on which to support this discharge action under AFPD 36-32 and AFI 36-3208, paragraph 5.49. The respondent has committed several disciplinary infractions, including dishonorable failure to pay just debts, failure to obey order, and repeated instances of absence without leave.

b. The record in this case also supports a general discharge. In accordance with AFI 36-3208, para. 1.18.2, a general discharge is warranted when an airman's service has been honest and faithful, but when significant negative aspects of her conduct or performance of duty outweigh the positive aspects of her military record. In this case, the respondent's military service, as

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evidenced by her disciplinary record and three referral enlisted performance reports, has been substandard. Her repeated instances of misconduct significantly outweigh her positive contributions. In her response to this action, the respondent asks to be allowed to complete her enlistment, or to be discharged with an honorable service characterization. AFI 36-3208, para. 1.18.1, provides an honorable characterization is appropriate when "the quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate." In asking for an honorable discharge, the respondent admits she has had "some recent problems" with her financial situation, but maintains many of the disciplinary actions taken against her were unjustified. The fact remains, however, the respondent's problems have been longstanding. As her first EPR shows, her record of failure to go and financial irresponsibility dates back to 1999. Further, the respondent has not accepted responsibility for her misconduct. She suggests, for example, Rent-A-Center somehow is at fault for her problems and, consequently, she is taking the business to court. Actually, as the court records the respondent provided show, Rent-A-Center is taking *her* to court, and not vice versa. After considering his options, [REDACTED] has recommended an under honorable conditions (general) characterization. The respondent's service does not warrant an honorable characterization.

c. I do not recommend probation and rehabilitation. [REDACTED] failure to respond to rehabilitative efforts in the past after receiving reprimands on several occasions and nonjudicial punishment demonstrates a lack of rehabilitative potential. She has not requested probation and rehabilitation. The squadron commander does not recommend suspension of the discharge for P&R. The best interests of the Air Force are served by her discharge without P&R.

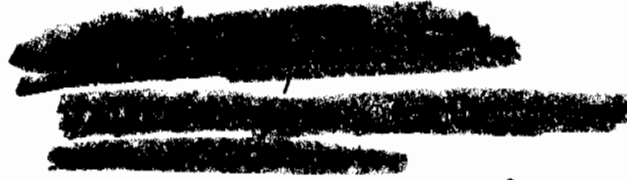
6. **OPTIONS:** In accordance with AFI-36-3208, para 5.49, you may, as the Special Court-Martial Convening Authority:

- a. Direct [REDACTED] be retained, if you consider the discharge unwarranted;
- b. Forward the file to 12 AF/CC with a recommendation [REDACTED] be discharged with an honorable characterization, with or without probation and rehabilitation;
- c. Direct [REDACTED] be discharged with an under honorable conditions (general) characterization, with or without probation and rehabilitation; or
- d. Direct discharge action be reinitiated if an under other than honorable conditions (UOTHC) discharge is warranted.

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7. **RECOMMENDATION:** The respondent should be separated under AFI-36-3208, para. 5.49, with an under honorable conditions (general) service characterization, without the offer of probation and rehabilitation. A proposed memorandum for your signature is attached.

A large, dark, irregular blacked-out area covering several lines of text, likely a signature and possibly a date or title.

Attachments:

1. Case File
2. Proposed 355 WG/CC Memorandum

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PD 2002-0275

DEPARTMENT OF THE AIR FORCE  
355TH SUPPLY SQUADRON (ACC)  
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

MAY 02 2001

MEMORANDUM FOR [REDACTED]

FROM: 355 SUPS/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, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 12 Jun 00, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Letter of Counseling (LOC) (Tab A).

b. On or about 26 Jun 00, you failed to report back to duty after attending a class and a personal appointment. As a result, you received an LOC (Tab B).

c. On or about 7 and 10 Jul 00, you failed to go at the time prescribed to your appointed place of duty. As a result, you received a Letter of Reprimand (LOR) (Tab C).

d. On or about 19 Aug 00, you failed to return to the local area at the end of your leave and remained absent until 25 Aug 00. As a result, you received an LOR, you were placed on the control roster, and an Unfavorable Information File (UIF) was established (Tab D).

e. On or about 20 Aug 00, you dishonorably failed to pay your debt to Rent-A-Center. As a result, you received an LOR and an entry was made in your existing UIF (Tab E).

f. On or about 4 Nov 00, you absented yourself, without authority, from your organization and remained absent until on or about 6 Nov 00. On or about 15 Nov 00, you failed to obey a lawful order issued by [REDACTED]. From on or about 4 Nov 00 to on or about 28 Nov 00, you dishonorably failed to pay a debt to Rent-A-Center. From on or about 16 Nov 00 to on or about 20 Nov 00, you failed to pay a debt to Enterprise Rent-A-Car. As a result, you received punishment under Article 15 of the UCMJ and an entry was made in your existing UIF (Tab F).

*Global Power For America*

g. From on or about 17 Jan 01 to on or about 6 Mar 01, you dishonorably failed to pay a debt to Bank of America. From on or about 26 Jan 01 to on or about 6 Mar 01, you dishonorably failed to pay a different debt to Bank of America. As a result, you received vacation of suspended nonjudicial punishment, punishment under Article 15 of the UCMJ, and an entry was made in your existing UIF (Tab G).

h. From on or about 16 Nov 00 to on or about 19 Mar 01, you dishonorably failed to pay a debt to Enterprise Rent-A-Car. As a result of this offense and the two offenses listed above at paragraph 2g, you received punishment under Article 15 of the UCMJ and an entry was made in your existing UIF (Tab H).

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 and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. The Area Defense Counsel [REDACTED] Bldg 3510, DSN 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult with the ADC on 3 May 01, at 1400 hours. In addition to military counsel, you have the right to employ 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 7 May 01 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 the Physical Exams Office of the Aeromedical Facility, Bldg 400, Rm 163, at 1100, on 3 May 01, for the examination.

8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 20, at 1000 on 3 May 01 for the briefing. If you have questions, please call 228-5366.

9. 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 at the Area Defense Counsel's office, Bldg 3510.

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

  
Commander

Attachments:

1. Supporting Documents
  - a. LOC, 12 Jun 00 w/MFR
  - b. LOC, 27 Jun 00 w/MFR
  - c. LOR, 10 Jul 00 w/MFR
  - d. AF Form 1058, UIF Action; AF Form 1137, UIF (2 pages); LOR, 30 Aug 00 (2 pages) w/Response (2 pages)
  - e. AF Form 1058, UIF Action; AF Form 1137, UIF (2 pages); LOR, 30 Aug 00 (2 pages) w/Response
  - f. AF Form 1137, UIF (2 pages); Art 15, 19 Dec 00 (3 pages) w/Response and Evidence (21 pages)
  - g. AF Form 1137, UIF (2 pages); AF Form 366, 21 Mar 01 (3 pages) w/Evidence (14 pages); Art 15, 3 Apr 01 (3 pages)
  - h. AF Form 1137, UIF (2 pages); Art 15, 3 Apr 01 (3 pages) w/Response and Evidence (16 pages)
2. Airman's Receipt of Notification Memorandum