

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>AIC</b>	AFSN/SSAN <b>[REDACTED]</b>		
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>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>		
			HON	GEN	UOTHC
<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>A93.01</b>		INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
			<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	
HEARING DATE <b>5 FEB 03</b>		CASE NUMBER <b>FD2002-0239</b>			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
REMARKS <b>Case heard at Travis AFB, California.</b>					
<b>Advise applicant of the decision of the Board, the right to a personal appearance and to submit an application to the AFBCMR.</b>					
SIGNATURE OF RECORDER <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>		
INDORSEMENT				DATE: <b>5 FEB 03</b>	
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

FD2002-0239

**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 available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge to Honorable is denied.

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

The applicant's issues are listed in the attached brief.

**ISSUES:** The applicant contends that he should not be penalized indefinitely for a mistake he made when he was young. The applicant was discharged with a General Discharge for Misconduct – Minor Disciplinary Infractions. The records indicated the applicant received seven Letters of Reprimand for failure to obey a lawful order (twice), failure to pay a just debt, financial irresponsibility, and lying to his Supervisor, Superintendent and First Sergeant (four times). The DRB noted that the applicant was 24 years of age when the discharge took place. There is no evidence of record to indicate he was immature and did not know right from wrong. The Board opined the applicant was much older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct.

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 DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

If he can provide additional documentation to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any 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

[REDACTED]  
[REDACTED]  
(Former A1C) (HGH A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 95/08/28 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 71/03/14. Enlmt Age: 22 0/12. Disch Age: 24 5/12. Educ: HS DIPL. AFQT: N/A. A-89, E-70, G-76, M-40. PAFSC: 2E134 - Television and Intrusion Detection Systems Apprentice. DAS: 95/06/06.

b. Prior Sv: (Examiner's Note: Enlistment Documents are missing from the file, therefore, enlistment dates are taken from the DD Form 214. Reserve time is estimated).

(1) AFRes 93/03/25 - 93/06/09 (2 Mos 15 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 93/06/10 for 4 yrs. Svd: 2 Yrs 2 Mos 19 Das, all AMS.

b. Grade Status: A1C - 94/10/10  
AMN - 93/12/10

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 26 JUL 95 - Financial irresponsibility.  
LOR, 25 JUL 95 - Failure to obey a lawful order.  
LOR, 25 JUL 95 - Financial irresponsibility.  
LOR, 20 JUL 95 - Lying to Supervisor, Superintendent, and First Sergeant.  
LOR, 19 JUL 95 - Failure to tell the truth concerning repayment of an overdue debt.  
LOR, 27 JUN 95 - Lying to supervisor, OIC, and First Sergeant.  
LOR, 14 JUN 95 - Failure to obey a lawful order, failure to pay just debt, and lying to the First Sergeant.

f. CM: None.

g. Record of SV: 93/06/10 - 95/02/09 Tinker AFB 5 (Initial)

(Discharged from Spangdahlem AB)

h. Awards & Decs: AFAM, AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (4) Das  
TAMS: (2) Yrs (2) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/22.  
(Change Discharge to Honorable)

Issue: At the time of my discharge, I was a cocky and immature young man. At the time I believed everyone was against me. As I have grown over the years I recognize and take full responsibility for all my actions, good or bad. I've taken away from the Armed Forces values that have helped me become the man that I am, honor, pride and integrity top that list. It has taken a few years to grow but these attributes were cultivated by my time in the service. I request my discharge to be upgraded because Im (sic) not the same man now that I was then. I want to continue on the path Im (sic) on now, not the one I was on then. I would like to believe that I now have served my community and country "Honorable" with pride! vigor.

**ATCH**

None.

02/09/06/cr

FD2002-0239



DEPARTMENT OF THE AIR FORCE  
UNITED STATES AIR FORCES IN EUROPE

MEMORANDUM FOR 52 FW/CC

22 AUG 1995

FROM: 52 FW/JA

SUBJECT: Legal Review of Administrative Discharge - [REDACTED]  
[REDACTED]; 52d Communications Squadron

1. I have reviewed the administrative discharge action initiated against [REDACTED] and it is in substantial compliance with the provisions of AFPD 36-32 and AFI 36-3208 and otherwise legally sufficient to support discharge.
2. BASIS FOR ACTION: Administrative discharge action against [REDACTED] is based on minor disciplinary infractions, pursuant to AFI 36-3208, paragraph 5.49. The file consists of the following:
  - a. On or about 2 Jun 95, he violated a lawful general order when he failed to be present for an outprocessing appointment. For this action he received a Letter of Reprimand dated 25 Jul 95 (Atch 1).
  - b. On or about 12 Jun 95, he dishonorably failed to pay a debt to Equi Fax company, which resulted from a check written on insufficient funds. On 12 Jun 95, he lied to [REDACTED] his First Sergeant, by telling him he contacted Equi Fax when he had not. For this action he received a Letter of Reprimand dated 14 Jun 95 (Atch 2), and a UIF was established (Atch 3).
  - c. On or about 12 Jun 95, he lied to his First Sergeant, [REDACTED], when he told him he was only given four weeks to complete his CDC's when in fact he was given approximately four months. For this action he received a Letter of Reprimand dated 27 Jun 95 (Atch 4).
  - d. Between on or about 1 Jul 95 and 19 Jul 95, he lied to [REDACTED] by stating to him that he sent all payments to Equi Fax in a timely manner when in fact he had not. For this action he received a Letter of Reprimand dated 19 Jul 95 (Atch 5), which was placed in his UIF (Atch 6).
  - e. On or about 1 Jul 95, he dishonorably failed to pay a just debt when he failed for over two months to make any payment on a debt to Guarantee Bank, despite the fact that he told [REDACTED] he would make a payment in the amount of \$978.36. For this action he received a Letter of Reprimand dated 26 Jul 95 (Atch 7), which was placed in his UIF (Atch 8).
  - f. During the week of 9 Jul 95, he failed to pay the Audio Plus Cellular Systems in Oklahoma \$220 after signing an agreement to pay that amount. Additionally, he shipped the cellular phone

that belonged to Audio Plus Cellular Systems with his household goods. For this action he received a Letter of Reprimand dated 25 Jul 95 (Atch 9), which was placed in his UIF (Atch 10).

g. On or about 12 Jul 95, he disobeyed a lawful order issued by [REDACTED] to contact Equi Fax to resolve his debt problems. For this action he received a Letter of Reprimand dated 20 Jul 95 (Atch 11), which was placed in his UIF (Atch 6).

### 3. MATTERS FOR RESPONDENT:

a. The respondent enlisted in the Air Force on 10 Jun 93 and has two years and two months of active duty service. The respondent has one EPR with an overall rating of 5. He is 24 years old, and his AQE scores are A-89, E-70, G-76, M-40.

b. On 17 Aug 95, the respondent consulted counsel and submitted a statement on his own behalf. He requested that he be retained in the Air Force or be given Probation and Rehabilitation. He states that his greatest problem since he has been in the military has been his financial situation. He states that he is working with a financial counselor to help correct his problems and he requests that he be given one more final chance to prove that he has learned from his mistakes (Tab 3).

### 4. DISCUSSION:

a. On 18 Aug 95, [REDACTED] 52 CS/CC, recommended that [REDACTED] be discharged from the Air Force for minor disciplinary infractions with a General discharge without P&R (Tab D).

b. The discharge is being processed under AFI 36-3208, paragraph 5.49, which provides that an airman may be discharged for minor disciplinary infractions. Despite numerous opportunities to modify his behavior, [REDACTED] has continued to be financially irresponsible and lie to his supervisors. These continued acts of misconduct are prejudicial to good order and discipline. His receipt of seven Letters of Reprimand are inconsistent with continued military service and warrant his immediate discharge.

5. ERRORS AND IRREGULARITIES: There are no errors or irregularities which prejudice the substantial rights of the respondent.

6. CHARACTERIZATION OF SERVICE: Honorable discharges are only appropriate when an airman's service generally has met Air Force standards of acceptable conduct and performance of duty, or their service is otherwise exceptionally meritorious. Based upon [REDACTED] disciplinary record and continued acts of misconduct, he does not deserve an Honorable discharge. On the other hand, an Under Other Than Honorable Conditions (UOTHC) discharge is only given for more serious misconduct, such as use of force or violence in inflicting bodily injury or death, abuse of a special position of trust, or acts or omissions which endanger the health, safety and welfare of others or the security of the United States. Furthermore, [REDACTED] would be entitled to a board hearing if a UOTHC discharge is recommended. It does

not appear that [REDACTED] misconduct rises to that level. A General discharge is appropriate in this case, since the significant negative aspects outweigh the positive aspects of his military career.

7. PROBATION AND REHABILITATION (P&R): Probation and rehabilitation is appropriate in special and limited circumstances, primarily when a member has demonstrated a strong potential for reform. [REDACTED] has demonstrated an inability to adapt to military service, despite continued leadership efforts to modify his behavior. Instead, [REDACTED] lied to his superiors who were trying to guide him in the direction of resolving his financial problems. As a result of his continuous lying and deceit, [REDACTED] cannot be trusted to make the improvements necessary and become a productive member of the Air Force. Therefore, probation and rehabilitation is not warranted.

8. ACTIONS WHICH MAY BE TAKEN: As the Special Court-Martial convening authority, you have the following options:

a. Direct that the respondent be retained in the Air Force.

b. Recommend that HQ 17 AF/CC discharge the respondent with an Honorable discharge, with or without P&R.

c. Discharge the respondent with a General discharge, with or without P&R.

d. Direct the reissuance of the notification for board processing if you think a UOTHC discharge is appropriate in this case.

9. RECOMMENDATION: That you discharge [REDACTED] for minor disciplinary infractions under the provisions of AFPD 36-32 and AFI 36-3208, paragraph 5.49, with a General discharge and without P&R.

[REDACTED]

[REDACTED] USAF  
Staff Judge Advocate

Attachment:  
Case File



DEPARTMENT OF THE AIR FORCE  
UNITED STATES AIR FORCES IN EUROPE

08 AUG 1995

MEMORANDUM FOR A [REDACTED]  
52d Communications Squadron

FROM: 52 CS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for 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 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 2 Jun 95, you violated a lawful general order when you failed to be present for an outprocessing appointment. For this action you received a Letter of Reprimand dated 25 Jul 95 (Atch 1).

b. On or about 12 Jun 95, you dishonorably failed to pay a debt to Equi Fax company, which resulted from a check written on insufficient funds. On 12 Jun 95, you lied to [REDACTED] your First Sergeant by telling him you contacted Equi Fax when you had not. For this action you received a Letter of Reprimand dated 14 Jun 95 (Atch 2), which a UIF was established (Atch 3).

c. On or about 12 Jun 95, you lied to your First Sergeant, [REDACTED] when you told him you were only given four weeks to complete your CDC's when in fact you were given approximately four months. For this action you received a Letter of Reprimand dated 27 Jun 95 (Atch 4).

d. Between on or about 1 Jul 95 and 19 Jul 95, you lied to [REDACTED] by stating to him that you sent all payments to Equi Fax in a timely manner when in fact you had not. For this action you received a Letter of Reprimand dated 19 Jul 95 (Atch 5), which was placed in your UIF (Atch 6).

e. On or about 1 Jul 95, you dishonorably failed to pay a just debt when you failed for over two months to make any payment on a debt to Guarantee Bank, despite the fact that you agreed with MSgt Pflueger to make payment in the amount of \$978.36. For this action you received a Letter of Reprimand dated 26 Jul 95 (Atch 7), which was placed in your UIF (Atch 8).

f. During the week of 9 Jul 95, you failed to pay the Audio Plus Cellular Systems in Oklahoma in the amount of \$220 after signing an agreement to pay that amount. Additionally, you shipped the cellular phone that belonged to Audio Plus Cellular Systems with your household goods. For



this action you received a Letter of Reprimand dated 25 Jul 95 (Atch 9), which was placed in your UIF (Atch 10).

g. On or about 12 Jul 95, you disobeyed a lawful order issued by [REDACTED] to contact Equi Fax to resolve your debt problems. For this action you received a Letter of Reprimand dated 20 Jul 95 (Atch 11), which was placed in your UIF (Atch 6).

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 Captain [REDACTED], Area Defense Counsel, Bldg 151, Spangdahlem AB, Germany DSN 452-6607, on 9 Aug 95 at 0900 hours. 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 NO LATER THAN 11 Aug 95, unless you request in writing 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 own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to the 52 FW Medical Group Physical Exams Element at 0800 on 10 Aug 95. Consume no alcohol 72 hours prior to your physical, fast the 14 hours prior to your physical, drink plenty of water, and if you wear contact lenses, wear your glasses on the day of your physical. You must report to the Physical Exams Element, [REDACTED], as soon as possible to have your blood drawn.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act statement of 1974. A copy of AFI 36-3208 is available for your use in your Orderly Room.

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



USAF

Commander

**Attachments:**

1. LOR, 25 Jul 95
2. LOR, 14 Jun 95
3. AF Form 1058, 21 Jun 95
4. LOR, 27 Jun 95
5. LOR, 19 Jul 95
6. AF Form 1058, 1 Aug 95
7. LOR, 26 Jul 95 .
8. AF Form 1058, 1 Aug 95
9. LOR, 25 Jul 95
10. AF Form 1058, 1 Aug 95
11. LOR, 20 Jul 95