

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN		
[REDACTED]		AIC	[REDACTED]		
TYPE	X PERSONAL APPEARANCE		RECORD REVIEW		
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO	American Legion			
X					
MEMBERS SITTING		VOTE OF THE BOARD			
		HON	GEN	UOTHC	OTHER
[REDACTED]		X+			
[REDACTED]		X+			
[REDACTED]		X**			
[REDACTED]		X+			
[REDACTED]		X+			
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD			
A93.09, A93.33, A94.06	A 67.10	1	ORDER APPOINTING THE BOARD		
		2	APPLICATION FOR REVIEW OF DISCHARGE		
		3	LETTER OF NOTIFICATION		
HEARING DATE	CASE NUMBER	4	BRIEF OF PERSONNEL FILE		
032003	FD20020240		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 RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
REMARKS					
Case heard at Washington, D.C.					
+ Change reason for discharge to "Secretarial Authority"					
* Change re-enlistment code to permit re-entry into military					
The AFDRB determined the applicant's reenlistment (RE) code will not be changed. The applicant can still apply for a waiver from the branch of service he wishes to join or apply to the AFBCMR.					
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT		
[REDACTED]			[REDACTED]		
INDORSEMENT				DATE: 032003	
TO:			FROM:		
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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

FD2002-0240

**GENERAL:** The applicant appeals for an upgrade of his general discharge to honorable. The applicant and his wife, [REDACTED], appeared and testified before the Board, with counsel, at Andrews AFB, MD, on March 20, 2003.

The applicant submitted the following documentary evidence: an Outstanding Teamwork certificate, an 18 Oct 96 memo from [REDACTED], an undated memo from [REDACTED], a 23 Apr 96 memo from [REDACTED], minutes from the AGE Booster Club, a 2 Jul 96 memo from [REDACTED], a 1 Jul 96 memo from [REDACTED], his transcript from Chapman University, a copy of the Applicant's Web Page, a school newsletter dated 30 Jan 2003, a letter of appreciation from the Fuquay-Varina Police Department, and the applicant's resume.

The attached brief contains the available pertinent data on the applicant, the factors leading to the discharge, and the issues he submitted for review.

**FINDINGS:** The applicant's request to change the characterization of his discharge to honorable is granted. The DRB changed the narrative reason for the applicant's separation from "misconduct" to "Secretarial Authority."

**Issue:** The applicant contends that his overall service record is more deserving of a fully honorable discharge rather than the general under honorable conditions discharge he received. The applicant's record contains numerous counseling and reprimands for financial irresponsibility and two counselings for unsatisfactory duty performance. The Board noted the respondent's problems centered on his inability to pay his debts in a timely fashion. Even so, the Board observed the amounts involved were relatively small and that the applicant ultimately paid what he owed. The Board also reviewed the two counselings the respondent received for failing to perform his duties. While not condoning his misconduct, the Board also noted the counselings he received were typical of the type received by first-term airmen and were resolved at the lowest administrative level. The Board also was aware the respondent had nearly completed his first term before he was involuntarily discharged. After a thorough and complete consideration of the information provided by the applicant, the applicant's compelling testimony, and the information contained in the record, the DRB concluded there were sufficient extenuating and mitigating circumstances to substantiate an upgrade to the applicant's discharge. The DRB noted, however, the applicant's record of declining duty performance. This record, coupled with the misconduct noted above, convinced the DRB that a change to his re-enlistment code would not be appropriate.

None of the applicant's remaining issues will be addressed as their resolution in the applicant's favor would not result in greater relief than is being afforded by the Board.

The Board also reviewed and considered the applicant's entire service record before making a decision.

**CONCLUSIONS:** The Board concludes the respondent's discharge characterization should be upgraded from general to honorable. The Board further concludes the narrative reason for the separations should be changed from "misconduct" to "Secretarial Authority."

Attachment:  
Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 97/05/19 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 73/10/18. Enlmt Age: 20 3/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-89, E-87, G-74, M-83. PAFSC: 2A632 - Aerospace Ground Equipment Apprentice. DAS: 96/01/24.

b. Prior Sv: (1) AFRes 94/02/14 - 94/03/29 (1 Mo 16 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 94/03/30 for 4 yrs. Ext: 96/04/04 for 23 months. Svd: 3 Yrs 1 Mo 20 Das, all AMS.

b. Grade Status: A1C - 95/07/30  
AMN - 94/09/30

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 15 APR 97 - Financial irresponsibility.  
RIC, 4 Mar 97 - Dereliction to duty.  
LOR, 9 DEC 96 - Failure to go.  
~~LOR, 2 DEC 96 - Financial irresponsibility.~~  
RIC, 12 Nov 96 - Poor duty performance.  
RIC, 8 OCT 96 - Financial irresponsibility.  
RIC, 2 OCT 96 - Financial irresponsibility.  
RIC, 23 SEP 96 - Financial irresponsibility.  
RIC, 11 Sep 96 - Late for work.  
DD 1408, 16 JUL 96 - Illegal Parking.

f. CM: None.

g. Record of SV: 94/03/30 - 95/11/29 Cannon AFB 5 (Initial)  
95/11/30 - 96/11/29 Lakenheath AB 2 (Annual) REF

(Discharged from Langley AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (3) Mos (6) Das  
TAMS: (3) Yrs (1) Mo (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/10.  
(Change Discharge to Honorable)

Issue: Before my arrival at Lakenheath my finances were in order. Just completed a program by consumer counseling credit agency to pay off all bills. I was up to date till (sic) I was informed that my wife & child was not going to be in England for 6 months. I had to provide for 2 households. I later was informed that my family could have traveled on my orders. When my finances were failing I received a job offer with TOYS FOR US, which was 30 miles from base. I was told it was too far and denied the approval to work there. Eight months later I moved into base housing about 30 miles from base and applied again for approval and was granted. After being on base for less than a year I was nominated for BTZ and was awarded for my outstanding performance. 2 months later I was called from home with word that my cousin was killed back home. That same day I was brought before my First Sgt and Sgt (sic) Commander about my finances, which they knew about before the BTZ promotion. I was accused of being irresponsible of managing my finances. ~~I brought all of the issues 1-3~~ listed above and was told I could have prevented it. It had been 20 minutes and I was becoming highly irritated at the fact that I was, what appeared to me, being snowballed. I got loud with the commander and the session was ended. Later I was called to the commanders (sic) office and stripped of the BTZ.

**ATCH**

1. VA Appointment as Applicant's Representative.
2. DD Form 214.
3. Applicant's Request for Government Quarters.
4. Applicant's Statements on Financial Status.
5. Mental Health Evaluation.

02/09/12/cr

remain in the Air Force. However, if you decide to discharge him, he requests that his discharge be characterized as Honorable. An Honorable discharge is appropriate if [REDACTED] record is so meritorious that any other characterization would be inappropriate. [REDACTED] service has been filled with incidents of misconduct. This demonstrates that he has fallen short of the standards expected of airmen, and therefore his service should not be characterized as Honorable. An Under Other Than Honorable Conditions (UOTHC) discharge is appropriate when the airman's pattern of behavior is a significant departure from the conduct expected of airmen. While [REDACTED] pattern of behavior departs from Air Force standards, these incidents do not rise to the level of misconduct mandating an UOTHC discharge. The commander has considered [REDACTED] conduct and entire surrounding circumstances in this case. A General discharge is appropriate when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record. Over the past nine months [REDACTED] has been involved in numerous incidents of recurring misconduct. He has been counseled and reprimanded on these problems on many occasions but has failed to take the necessary steps to correct his behavior. His misconduct is definitely a significant negative aspect to his career, which outweighs any positives. Therefore, a General discharge is an appropriate characterization for his service. ✓

d. Probation and Rehabilitation: The initiating commander does not recommend Probation and Rehabilitation (P&R) in this case. Paragraph 7.3 directs that P&R should be offered to airmen who have demonstrated a potential to serve satisfactorily, who have the capacity to be rehabilitated for continued military service, and whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. [REDACTED] was given nine different opportunities to rehabilitate himself. As the commander states in his recommendation letter [REDACTED] duty performance and work ethic have also deteriorated over the past months. This airman has been given ample time to rehabilitate, if that was his intention. His failure to respond to the rehabilitative actions taken, and his continued misconduct and disregard, indicate an inability or unwillingness to behave in a way which is conducive with the Air Force. Therefore, P&R would be inappropriate.

6. Errors and Irregularities: There are no errors or irregularities effecting the legal sufficiency of this package.

7. Options: As the Special Court-Martial Convening Authority, you may:

a. direct [REDACTED] retention in the United States Air Force;

b. direct that [REDACTED] be discharged from the Air Force with a General discharge, with or without P&R, under AFI 36-3208, paragraph 5.49;

c. forward a recommendation for separation under paragraph 5.49 with an Honorable discharge, with or without P&R, to the General Court-Martial Convening Authority, 3 AE/CC (AFI 36-3208, paragraph 5.56.2.1); or

d. direct reinitiation of the package to convene an administrative discharge board if you believe an under other than honorable conditions discharge is warranted.

8. Recommendation: We recommend that you sign the attached letter at Tab A directing [REDACTED] be discharged from the Air Force with a General discharge without Probation and Rehabilitation.

[REDACTED]

DEPARTMENT OF THE AIR FORCE  
48TH FIGHTER WING (USAF)

MEMORANDUM FOR [REDACTED]

12 4 APR 1997

FROM: 48 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct - Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions discharge. I am recommending that your service be characterized as general.

2. My reasons for this action are:

- a. On 15 Apr 97, you received a Letter of Reprimand for financial delinquency to AAFES;
- b. On 4 Mar 97, you received a Letter of Counseling for dereliction to duty;
- c. On 9 Dec 96, you received a Letter of Reprimand for failure to go to a scheduled appointment. For this a Unfavorable Information File was established;
- d. On 2 Dec 96, you received a Letter of Reprimand for financial delinquency to the NCO club;
- e. On 12 Nov 96, you received a Letter of Counseling for poor duty performance;
- f. On 8 Oct 96, you received a Letter of Counseling for returned checks to AAFES;
- g. On 2 Oct 96, you received a Letter of Counseling for Financial Delinquency;
- h. On 23 Sep 96, you received a Letter of Counseling for Financial Delinquency;
- i. On 11 Sep 96, you received a Letter of Counseling for being late for duty; and
- j. On 16 Jul 96, you received a Armed Forces Traffic Ticket, DD Form 1408, for parking in a designated "no parking" slot.

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. 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 [REDACTED] Area Defense Counsel, Bldg 976, ext 3608, has been obtained to assist you. An appointment has been scheduled for you to consult them at 0930, on 28 Apr 97. 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 29 Apr 97 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 48th Medical Group, Physical Exam Section at 0700 on 28 Apr 97
8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208 is available for your use in your unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.



**Attachments:**

1. Supporting Documents
  - a. LOR, w/atch, dtd 15 Apr 97
  - b. LOC, dtd 4 Mar 97
  - c. LOR, dtd 9 Dec 96
  - d. LOR, w/atch, dtd 2 Dec 96
  - e. LOC, dtd 12 Nov 96
  - f. LOC, dtd 8 Oct 96
  - g. LOC, dtd 2 Oct 96
  - h. LOC, dtd 23 Sep 96
  - i. LOC, dtd 11 Sep 96
  - j. DD Form 1408, dtd 16 Jul 96
2. Airman's Receipt of Notification Memorandum