

## 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>GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>	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	UOTHC	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>A92.15, A92.21, A93.11</b>	INDEX NUMBER <b>A47.00</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
HEARING DATE <b>03-01-03</b>	CASE NUMBER <b>FD2002-0296</b>	<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

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 and the right to a personal appearance with/without counsel.**  
  
**DD Fm 149 submitted. The case will be forwarded to the AFBCMR for further processing.**

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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<b>INDORSEMENT</b>	<b>DATE: 03-01-06</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD2002-0296

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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 is denied.

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

Issues. Applicant was discharged for minor disciplinary infractions and failure to pay a just debt. She had two Records of Individual Counseling, three Letters of Reprimand, and an Article 15. She was also placed on the Control Roster and had an Unfavorable Information File. Her misconduct included two instances of issuing worthless checks, financial irresponsibility, making a false statement, missing a troop movement, and various dress and appearance violations. At the time of the discharge, member consulted counsel and submitted a statement in her own behalf stating she felt discharge was appropriate and fair. She further stated she planned to resolve her financial problems, but she realized it would take time, and she did not want to further burden anyone else while doing so. Member now notes her performance was otherwise satisfactory and her financial problems have been resolved. The Board noted member had seven incidents in a 9-month period, thus clearly establishing a pattern of misconduct. The Board further noted that member was the same age as other airmen who had adhered to the standards when her misconduct occurred, and she knew right from wrong. She was counseled several times in an effort to help her correct her deficiencies and had multiple opportunities to improve her behavior. She failed to respond to those rehabilitative efforts. No inequity or impropriety was found in this discharge in the course of the records review.

While the Board commends applicant on her desire to return to military service, and is sympathetic to the impact a General discharge has on her reenlistment code, this is not a matter of equity or propriety that warrants an upgrade.

**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 01/11/05 UP AFI 36-3208, para 5.49 and 5.50.4 (Misconduct - Minor Disciplinary Infractions and Failure to Pay Just Debt). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/12/13. Enlmt Age: 21 5/12. Disch Age: 22 10/12. Educ: HS DIPL. AFQT: N/A. A-90, E-67, G-78, M-59. PAFSC: 1T131 - Aircrew Life Support Apprentice. DAS: 00/10/18.

b. Prior Sv: (1) AFRes 00/05/26 - 00/06/27 (1 Mo 2 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 00/06/28 for 4 yrs. Svd: 1 Yr 4 Mos 8 Das, all AMS.

b. Grade Status: AMN - 01/10/18 (Article 15, 01/10/18)  
A1C - 01/04/28

c. Time Lost: None.

d. Art 15's: (1) 01/10/18, Seymour Johnson AFB, NC - Article 134. You, being indebted to ----- in the sum of \$790.00 for a security deposit and first month's rent, which became due and payable on or about 1 Sep 01, did from on or about 1 Sep 01 to 2 Oct 01, dishonorably fail to pay said debt. Reduction to the grade of AMN. (No appeal) (No mitigation)

e. Additional: LOR, 3 AUG 01 - Making a false statement.  
LOR, 3 AUG 01 - Issuing worthless checks.  
RIC, 20 JUL 01 - Failure to comply with Air Force standards of dress and appearance.  
LOR, 20 JUL 01 - Issuing worthless checks.  
RIC, 23 FEB 01 - Financial irresponsibility and failure to report on time for troop movement.

f. CM: None.

g. Record of SV: None.

(Discharged from Seymour Johnson AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (5) Mos (10) Das  
TAMS: (1) Yr (4) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/07/08.  
(Change Discharge to Honorable)

Issue: I was discharged because of financial problems which have now been corrected. There were never any problems or questions about the quality or integrity of my job performance & I would really like to join the reserves to continue serving my country.

**ATCH**  
None.

02/10/22/cr



DEPARTMENT OF THE AIR FORCE

4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

31 OCT 2001

MEMORANDUM FOR 4 FW/CC

FROM: 4 FW/JA

SUBJECT: Legal Review, Discharge under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49, and Paragraph 5.54, [REDACTED]

1. HISTORY: The 336th Fighter Squadron Commander has recommended that [REDACTED] be discharged from the Air Force for misconduct, specifically minor disciplinary infractions and dishonorable failure to pay just debts. The bases for this recommendation are AFI 36-3208, Chapter 5, Section H, Paragraph 5.49, and Paragraph 5.50.4. The commander recommends a general discharge without a period of probation and rehabilitation (P&R). The respondent is eligible for, and has been processed by notification procedures in accordance with AFI 36-3208, Paragraph 6.2. [REDACTED] consulted military counsel and submitted a statement in her own behalf.

2. BASIS FOR ACTION:

a. [REDACTED] received a two Records of Individual Counseling, three Letters of Reprimand, establishment of an Unfavorable Information File (UIF), placement on the Control Roster, and Article 15 punishment. These actions were taken to correct various types of misconduct to include: Financial irresponsibility while TDY; failure to report on time for a troop movement; failure to maintain Air Force Dress and Appearance standards; failure to pay just debts; multiple incidents of issuing checks while failing to maintain sufficient funds in her account to pay such checks; and making a false official statement.

3. EVIDENCE FOR THE RESPONDENT: [REDACTED] is 22 years old and has served on active duty since 28 June 2000. She has not been on active duty long enough to receive an enlisted performance report. [REDACTED] submitted a statement on her own behalf stating "I think this is a wise and fair decision on your part. I don't want to waste any more manpower on a problem that will undoubtedly take time and effort to rectify. For my own sake I do intend to fix my financial situation, but there's no reason to put that burden on anyone else."

4. ERRORS AND IRREGULARITIES: None

5. CONCLUSIONS:

a. Discharge is appropriate under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49 which subjects a member to discharge when a pattern of minor disciplinary infractions occur. Also, discharge is appropriate under AFI 36-3208, Chapter 5, Section H, Paragraph 5.50.4 for [REDACTED] dishonorable failure to pay just debts.

b. Primary Basis: The commander has recommended that [REDACTED] be jointly processed for discharge under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49 and Paragraph 5.50.4. According to AFI 36-3208, Paragraph 6.44.3 and 6.46, when a member is discharged under joint processing, the primary reason for discharge must be cited. The primary reason for [REDACTED] discharge is due to her dishonorable failure to pay just debts. Therefore, I recommend citing the aforementioned reason for discharge as the primary basis for [REDACTED] discharge.

c. Characterization of Service: I concur with the commander's recommendation of a general discharge. According to AFI 36-3208, Paragraph 5.48.4, an honorable characterization is appropriate in a discharge for misconduct when "the member's record has been so meritorious that any other characterization would be clearly inappropriate." In such cases, the General Court-Martial (GCM) convening authority must approve the proposed honorable characterization. On the other hand, a general discharge is warranted, according to paragraph 1.18.2, when "significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record." [REDACTED] dishonorable failure to pay just debts outweighs the positive aspects of her service, therefore, a general discharge is appropriate.

d. Probation and Rehabilitation: I concur with the commander's recommendation that [REDACTED] not be offered P&R. The unit has made efforts to rehabilitate [REDACTED] through various administrative actions, however, she has failed to conform to Air Force standards. Therefore, P&R is not appropriate in this case.

6. LEGAL SUFFICIENCY: This case file is legally sufficient, contingent upon a finding that the respondent is medically qualified for worldwide duty.

7. OPTIONS: As the separation authority, you have the following options in this case:

a. Retain the respondent; or

b. Approve separation, with or without probation and rehabilitation, on one of these basis:

(1) Under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49 and Paragraph 5.50.4 with a general service characterization; or

(2) Under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49 only, with a general service characterization; or

(3) Under AFI 36-3208, Chapter 5, Section E, Paragraph 5.50.4 only, with a general service characterization; or

c. Recommend separation to 9 AF(P)/CC with or without probation and rehabilitation, on one of these basis:

(1) Under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49 and Paragraph 5.50.4, and recommend to the GCM convening authority that the respondent receive an honorable service characterization; or

(2) Under AFI 36-3208, Chapter 5, Section H, Paragraph 5.49 only, and recommend to the GCM convening authority that the respondent receive an honorable service characterization; or

(3) Under AFI 36-3208, Chapter 5, Section H, Paragraph 5.50.4 only, and recommend to the GCM convening authority that the respondent receive an honorable service characterization; or

d. If you believe it is appropriate for the respondent to receive an under other than honorable conditions (UOTHC) discharge, based in whole or in part on AFI 36-3208, Chapter 5, Section H, Paragraph 5.49 and/or Paragraph 5.50.4, return the case file to the squadron commander and direct processing by administrative board procedures IAW AFI 36-3208, Paragraph 6.13.

8. RECOMMENDATION: That you approve the separation of [REDACTED] from the United States Air Force with a general service characterization, citing misconduct, specifically dishonorable failure to pay just debts, as the primary reason for discharge without probation and rehabilitation, by signing the attached memorandum.

[REDACTED]

Lt Col, USAF

Staff Judge Advocate

Attachment:

Case File— [REDACTED]



FD 2002-0296

**DEPARTMENT OF THE AIR FORCE**

4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

29 Oct 2001

MEMORANDUM FOR AMN [REDACTED]

FROM: 336 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions and dishonorable failure to pay just debts. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraphs 5.49 and 5.50.4. Pursuant to AFI 36-3208, Table 1.3 and Paragraphs 5.48 and 6.44.3, your service can be characterized as honorable, general or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. Between on or about 25 January 2001 and on or about 9 February 2001, while TDY to Nellis AFB, NV, you encountered financial conflicts in which charges made to your room account exceeded the limit on your credit card on file. This incident reflected unfavorably upon you and the United States Air Force as well. Additionally, you failed to report to the lobby of the Palace Station Casino and Hotel at the appointed time, thereby missing a troop movement for redeployment to the home station. For these incidents of misconduct, you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 23 February 2001 (Tab 1a).

b. On or about 26 May 2001, you issued a check to Army and Air Force Exchange Service (AAFES) in the amount of \$37.09 and you failed to maintain sufficient funds in your account to pay such check for which you received a Letter of Reprimand and an Unfavorable Information File (UIF) was established. These actions are documented by an AF Form 1058, dated 2 August 2001; a Letter of Reprimand for which you acknowledged receipt on 20 July 2001, and a memorandum from the Army and Air Force Exchange Service, dated 12 July 2001 (Tab 1b).

c. On or about 20 July 2001, you failed to adhere to Air Force standards of Dress and Appearance for which you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 20 July 2001 and excerpts from AFI 36-2903 (Tab 1c).

d. On or about 27 July 2001, your Squadron Section Commander was contacted by the owner of Hair It Iz Salon concerning a debt you incurred and you wrote a check for that was returned for insufficient funds for which you received a Letter of Reprimand that was placed in your existing UIF and you were placed on the Control Roster. These actions are documented by an AF Form 1058, dated 21 August 2001 and a Letter of Reprimand, dated 3 August 2001 (Tab 1d).

e. On or about 1 August 2001, you made a false official statement to your Squadron Section Commander, [REDACTED] for which you received a Letter of Reprimand that was placed in your existing UIF and you were placed on the Control Roster. These actions are documented by an AF Form 1058, dated 21 August 2001 and a Letter of Reprimand, dated 3 August 2001 (Tab 1d).

*Global Power For America*



f On or about 1 September 2001 and on or about 1 October 2001, you dishonorably failed to pay your just debts to American Property Management Incorporated in the sum of \$790.00 for which you received Article 15 punishment. These actions are documented by an AF Form 3070, dated 11 October 2001 (Tab 1e).

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.

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, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 5345 or DSN 722-5345. Your appointment has been scheduled on 29 Oct 2001 (date) at 1030 (time). 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 1 Nov 2001 (allow three duty days) 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 mandatory medical examination at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, at 1200 hours on 29 October 2001. You are also scheduled for a mandatory follow-up examination at Blue Team at 1300 hours on 29 October 2001 with [REDACTED]. **You must report 15 minutes prior to your scheduled appointments.**

8. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 29 Oct 2001 at 1300 hours. You must report to [REDACTED] at building 3602 for your TAPs counseling.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 33-332 is available for your use at the unit orderly room or the Area Defense Counsel office.

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

[REDACTED]  
Lt Col, USAF  
Commander

Attachments:

Supporting Documentation:

- a. AF Form 174, dated 23 February 2001
- b. AF Form 1058, dated 2 August 2001; a Letter of Reprimand, Army and Air Force Exchange Service memorandum, dated 12 July 2001
- c. AF Form 174, dated 20 July 2001 and excerpts from AFI 36-2903
- d. AF Form 1058, dated 21 August 2001 and two Letters of Reprimand, dated 3 August 2001
- e. AF Form 3070, dated 11 October 2001