

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">COUNSEL</td> <td rowspan="3" style="padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td rowspan="3" style="padding: 5px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table>	COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	NO		X		
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	DENY				
					X				
					X				
					X				
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					X				

ISSUES A93.09	INDEX NUMBER A67.90	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	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE HEARING	
HEARING DATE 26 FEB 03	CASE NUMBER FD2002-0343			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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

INDORSEMENT	DATE: 26 FEB 03
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0343

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 does not contest the discharge; he merely wants it upgraded in order to receive his G.I. Bill benefits. The record indicates the applicant received an Article 15 for writing bad checks. He also received four Letters of Reprimand, two Records of Individual Counseling, and a verbal counseling for failing his dormitory room inspection three times, financial irresponsibility, late for training, having an unauthorized female guest in the dormitory room overnight, and failed to meet a scheduled appointment. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate. 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

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a [REDACTED] fr USAF 13 Feb 98 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable [REDACTED]

2. **BACKGROUND:**

a. DOB: 30 Nov 74. Enlmt Age: 17 9/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-79, E-74, G-66, M-85. PAFSC: 2A655 - Aircraft Pnedraulic Systems Journeyman. DAS: 3 Jan 94.

b. Prior Sv: (1) AFRes 31 Aug 92 - 27 Jul 93 (10 Mos 27 Days) (Inactive).

(2) Enld as AB 28 Jul 93 for 4 yrs. Svd: 3 Yrs 3 Mos 27 Das, all AMS. AMN - 28 Jan 94. A1C - 28 Nov 94. SRA - (EPR Indicates): 28 Mar 96-27 Mar 97. EPRS: 4,3.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 25 Nov 96 for 6 yrs. Svd: 1 Yr 2 Mos 19 Das, all AMS.

b. Grade Status: A1C - 26 Jan 98 (Article 15, 26 Jan 98)

c. Time Lost: None.

d. Art 15's: (1) 28 Jan 98, Fairchild AFB, WA - Article 134. You, did, on divers occasions between on or about 13 Dec 97 and on or about 29 Dec 97, make and utter to -----, certain checks in the total amount of \$65.00 for the purchase of goods and services, and did thereafter dishonorably fail to maintain sufficient funds in the ----- for payment of such checks in full upon its presentment for payment. Reduction to A1C, and suspended forfeiture of \$150.00 pay per month for two months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 23 JAN 98 - Failed domitory room inspection.
LOR, 31 OCT 97 - Financial irresponsibility.
RIC, 14 OCT 97 - Late for training.
LOR, 01 JUL 97 - Unauthorized female guest in dormitory room overnight.
RIC, 08 APR 96 - Failed dormitory room inspection.
LOR, 07 MAR 96 - Failed government quarters inspection.
VERBAL COUNSELING, 1 MAR 95 - Failed to meet a scheduled appointment.

f. CM: None.

g. Record of SV: 28 Mar 96 - 27 Mar 97 Fairchild AFB 4 (Annual)

(Discharged from Fairchild AFB)

h. Awards & Decs: AFGCM, NDSM, AFEM, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (5) Mos (13) Das
TAMS: (4) Yrs (6) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Aug 02.
(Change Discharge to Honorable)

Issues: The main reason for my wanting an upgrade now is to go to school. I must have an honorable discharge to apply (sic) for the [REDACTED]. There is nothing I can say to change what is written in my records but I would like to try and explain why. I was over paid for a whole year, BAQ. When they finally notice the mistake finance started taking my checks. Reducing my pay to about 12.00 dollars. I started bouncing checks. In retrospect I should have asked for more help from available agencies but it all happened rather quickly. It also didn't help that my wife had left me and took my daughter all the way back to Ohio. I lost my car my base housing and was left all the bills in the divorce (sic) that followed. It was a hard year. When I received (sic) my article fifteen I told the commander I wanted out. When I was sent to legal I also told them not to fight it. I wanted to go home. Things were falling apart all around me. Now I just want to finish college and make something of myself before its to (sic) late. Upgrading (sic) my discharge and allowing me to use my GI. [REDACTED] would greatly increase (sic) my chances for success.

ATCH

1. DD Form 149.

20 Nov 02/cr



DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS 92D AIR REFUELING WING (AMC)
 FAIRCHILD AIR FORCE BASE WASHINGTON

MEMORANDUM FOR 92 ARW/CC

11 FEB 1998

FROM: 92 ARW/JA

SUBJECT: Legal Review of AFI 36-3208, *Administrative Separation of Airmen*
 Administrative Discharge - [REDACTED] FR271-68-1275

1. I have reviewed the proposed involuntary separation action concerning [REDACTED] the respondent, and find it legally sufficient to support involuntary discharge for pattern of misconduct consisting of conduct prejudicial to good order and discipline and dishonorable failure to pay just debts under AFPD 36-32 and AFI 36-3208, paragraphs 5.50.2 and 5.50.4.
2. Background: On 9 Feb 98, the 92 AGS/CC initiated this separation action against the respondent for a pattern of misconduct consisting of conduct prejudicial to good order and discipline and dishonorable failure to pay just debts. He recommends an Under Honorable Conditions (General) discharge, without opportunity for probation and rehabilitation (P&R). The respondent acknowledged notification of this action on 9 Feb 98.
3. For the Government:
 - a. On or about 24 Feb 95, the respondent missed a scheduled dental appointment. For this incident, he was verbally counseled on 6 Mar 95.
 - b. On or about 4 Mar 96, the respondent failed to have his government quarters ready for inspection after subsequently canceling an earlier inspection and making another one for 4 Mar 96. For this incident, he received a letter of reprimand dated 7 Mar 96.
 - c. On or about 3 Apr 96, the respondent failed his dormitory room inspection. For this incident, he received a record of individual counseling dated 8 Apr 96.
 - d. On or about 29 Jun 97, the respondent had a female spend the night in his dormitory room, in direct violation of FAFBI 32-6005. For this incident, he received a letter of reprimand dated 1 Jul 97. An unfavorable information file was also established.
 - e. On or about 14 Oct 97, the respondent was 35 minutes late for Block Training which resulted in him having to be rescheduled for the class. For this incident, he received a record of individual counseling dated 14 Oct 97. This information was added to his existing unfavorable information file.

f. On or about 17 Oct 97, the respondent dishonorably failed to pay his DPP account in the amount of \$68.00 which was then 60 days past due. For this incident, he received a letter of reprimand dated 31 Oct 97. This information was added to his existing unfavorable information file.

g. On or about 21 Jan 98, the respondent failed his dormitory room inspection. For this incident, he received a letter of reprimand dated 23 Jan 98.

h. Between on or about 13 Dec 97 and 29 Dec 97, the respondent made and uttered to Moneytree Check Cashing, certain checks in the amounts of \$20.00, \$20.00, and \$25.00, for the purchase of goods and services, and did thereafter dishonorably fail to maintain sufficient funds in his account to cover such checks. For these incidents, he received an Article 15 dated 26 Jan 98. Punishment consisted of reduction to the grade of Airman First Class, suspended forfeiture of \$150.00 pay per month for two (2) months, and thirty (30) days extra duty.

4. For the Respondent:

a. This 23 year old airman has served on active duty for 4 years and 7 months. He began his current term of enlistment on 28 Jul 93. His military record contains three performance reports with ratings of 4, 3, and a most recent rating of 4.

b. The respondent chose not to submit a statement on his behalf.

5. Discussion:

a. By a preponderance of evidence, a basis for discharge exists for a pattern of misconduct consisting of conduct prejudicial to good order and discipline pursuant to paragraph 5.50.2 of AFI 36-3208. If an airman's service has been "honest and faithful", an Under Honorable Conditions (General) discharge characterization is warranted "...when significant negative aspects of the Airman's conduct or performance of duty outweigh positive aspects of the Airman's military record." AFI 36-3208, para 1.18.2. 92 AGS/CC recommends an Under Honorable Conditions (General) discharge. The respondent's military service should be characterized by an Under Honorable Conditions (General) discharge.

b. The respondent has been on active duty for 4 years and 7 months. The respondent's recurring failure to conform to Air Force standards indicates that he is a poor candidate for probation and rehabilitation.

6. As the special court-martial convening authority, you may:

a. Retain the respondent.

b. Approve an Under Honorable Conditions (General) discharge. You are the discharge authority for this action. You may also suspend the discharge and offer the respondent probation and rehabilitation under Chapter 7, AFI 36-3208.

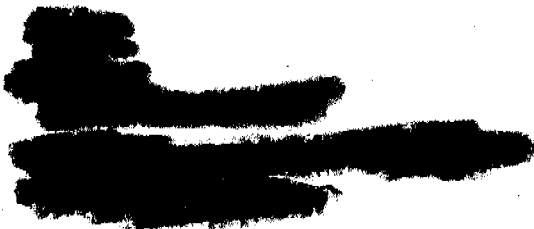
c. Forward the case file to the Commander, Fifteenth Air Force if you conclude an honorable discharge is warranted. The Commander, Fifteenth Air Force is the discharge authority for this action.

d. Direct reinitiation of administrative discharge processing (with board entitlement) if you conclude issuance of an Under Other Than Honorable Conditions discharge is warranted.

7. Recommendation: Approve an Under Honorable Conditions (General) discharge without probation and rehabilitation.

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I concur.

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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 92D AIR REFUELING WING (AMC)
FAIRCHILD AIR FORCE BASE WASHINGTON

9 FEB 1998

MEMORANDUM FOR [REDACTED] FR271-68-1275, 92 AGS

FROM: 92 AGS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct consisting of conduct prejudicial to good order and discipline and dishonorable failure to pay just debts in accordance with AFD 36-32 and AFI 36-3208, paragraphs 5.50.2 and 5.50.4. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General). I recommend your service be characterized with an Under Honorable Conditions (General) discharge. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached. My reasons for this action are:

a. On or about 24 Feb 95, you missed a scheduled dental appointment. For this incident, you were verbally counseled on 6 Mar 95.

b. On or about 4 Mar 96, you failed to have your government quarters ready for inspection after subsequently cancelling an earlier inspection and making another one for 4 Mar 96. For this incident, you received a letter of reprimand dated 7 Mar 96.

c. On or about 3 Apr 96, you failed your dormitory room inspection. For this incident, you received a record of individual counseling dated 8 Apr 96.

d. On or about 29 Jun 97, you had a female spend the night in your dormitory room, in direct violation of FAFBI 32-6005. For this incident, you received a letter of reprimand dated 1 Jul 97. An unfavorable information file was also established.

e. On or about 14 Oct 97, you were 35 minutes late for Block Training which resulted in you having to be rescheduled for the class. For this incident, you received a record of individual counseling dated 14 Oct 97. This information was added to your existing unfavorable information file.

f. On or about 17 Oct 97, you dishonorably failed to pay your DPP account in the amount of \$68.00 which was then 60 days past due. For this incident, you received a letter of reprimand dated 31 Oct 97. This information was added to your existing unfavorable information file.

g. On or about 21 Jan 98, you failed your dormitory room inspection. For this incident, you received a letter of reprimand dated 23 Jan 98.

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2. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

3. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] Area Defense Counsel, at 247-2918 for an appointment on 9 FEB 1998 at 1400 HRS. You may consult civilian counsel at your own expense.

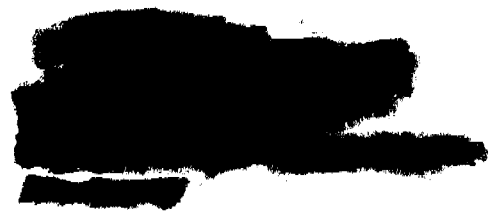
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 12 FEB 1998 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 previously been scheduled for a medical examination. Complete all follow up appointments.

7. 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 your unit orderly room.

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



Attachments:

1. Verbal counseling dated 6 Mar 95
2. LOR dated 7 Mar 96
3. LOC dated 8 Apr 96
4. LOR dated 1 Jul 97
5. LOC dated 14 Oct 97
6. LOR dated 31 Oct 97
7. UIF
8. LOR dated 23 Jan 98
9. Article 15 dated 26 Jan 98