

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	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: 5px;">COUNSEL</td> <td style="padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td style="padding: 5px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="padding: 5px;">YES</td> <td style="padding: 5px;">NO</td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center; padding: 5px;">X</td> <td></td> <td></td> </tr> </table>	COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	NO				X				
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YES	NO													
	X													

MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
						X

ISSUES A95.00	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 15 APR 03	CASE NUMBER FD2002-0411	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

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

INDORSEMENT	DATE: 15 APR 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

FD02-0411

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. 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 records indicated applicant received an Article 15 for dishonorably failing to pay said debts and obtaining off-duty employment. She also received a Vacation action under the UCMJ for writing bad checks. This resulted in a reduction to the grade of Airman. In addition, she received seven Letters of Reprimand for financial irresponsibility, lack of honesty and for getting an arrest warrant for issuing checks without sufficient funds. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 25 Nov 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 23 Dec 76. Enlmt Age: 19 0/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-86, E-44, G-46, M-25. PAFSC: 3A031 - Information Management Apprentice. DAS: 27 Mar 96.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 3 Jan 96 for 4 yrs. Extended 1 Apr 97 for 23 months. Svd: 1 Yr 10 Mos 23 Das, all AMS.

b. Grade Status: AMN - 9 Jun 97 (Vacation of Article 15, 20 Oct 97)
A1C - 3 May 97
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 20 Oct 97, Vacation, Ellsworth AFB, SD - Article 134. You did, on or about 4 Sep 97, make and utter to the ----- a certain check in the amount of \$49.00, dated 4 Sep 97, drawn upon ----- of South Dakota, made payable to the order of -----, and signed -----, for the purchase of a certain service, and did thereafter dishonorably fail to maintain sufficient funds in said account for payment of said check in full upon its presentment for payment. Reduction to the grade of AMN. (No appeal) (No mitigation)

(2) 9 Jun 97, Ellsworth AFB, SD - Article 134. You, being indebted to ----- in the sum of \$415.00 for the repayment of dishonored checks, which amount became due and payable between on or about 1 Apr 97 and on or about 15 May 97, did dishonorably fail to pay said debt. Article 92. You, having knowledge of a lawful order, issued by your supervisors, to not obtain off-duty employment, an order which it was your duty to obey, did, on or about 29 Apr 97, fail to obey the same. Suspended reduction to the grade of AMN, and forfeiture of \$100.00 pay per month for two months. (No appeal)

(No mitigation)

- e. Additional: LOR, 21 OCT 97 - Arrest warrant for issuing checks without sufficient funds and financial irresponsibility.
 LOR, 21 OCT 97 - Financial irresponsibility.
 LOR, 13 AUG 97 - Financial irresponsibility.
 LOR, 07 JUL 97 - Financial irresponsibility.
 LOR, 22 MAY 97 - Disrespectful and unprofessional behavior.
 LOR, 19 MAY 97 - Financial irresponsibility and lack of honesty.
 LOR, 03 APR 97 - Financial irresponsibility.
- f. CM: None.
- g. Record of SV: 3 Jan 96 - 6 Oct 97 Ellsworth AFB 2 (Initial) REF
 (Discharged from Ellsworth AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (1) Yr (10) Mos (23) Das
 TAMS: (1) Yr (10) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Sep 02.
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
 None.

15 Jan 03/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 28TH LOGISTICS GROUP (ACC)
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

4 NOV 1997

MEMORANDUM FOR [REDACTED]

FROM: 28 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct involving minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I recommend that your service be characterized as a under honorable conditions (general).

2. My reasons for this action are:

a. On 23 Sep 97 you were contacted by an employee of the Child Development Center in reference to an outstanding balance in the amount of \$54.00. You told the employee that you would pay the overdue debt on 1 Oct 97. As of 20 Oct 97, the debt remains unpaid. For this you received a Letter of Reprimand (LOR) on 21 Oct 97. This LOR was placed in your Unfavorable Information File (UIF).

b. On 5 Oct 97, an agent of Meade County, South Dakota, served you with an arrest warrant in response to a returned check. On 8 Oct 97, you pled guilty to the charge of insufficient funds and paid a total of \$45.00 in fees and court costs. For this you received a LOR on 21 Oct 97. This LOR was placed in your UIF.

c. On 4 Sep 97, you made and uttered to the Child Development Center a check in the amount of \$49.00 for the purchase of a certain service, and thereafter dishonorably failed to maintain sufficient funds in your account for payment in full upon the check's presentment for payment. For this your suspended punishment under Article 15 of the Uniform Code of Military Justice (UCMJ), imposed on 9 Jun 97, was vacated on 20 Oct 97.

d. On 15 May 97, you dishonorably failed to pay your debt to [REDACTED] in the sum of \$415.00, for the repayment of a dishonored check. For this you were punished under Article 15 of the UCMJ on 9 Jun 97. This action was placed in your UIF.

e. On 7 Jul 97, you set up a payment plan with your creditor, [REDACTED]. You stated that you would make the following payments: (a) \$150.00 on 15 Jul 97, and (b) \$150.00 on 20 Jul 97, and (c) \$101.00 on 1 Aug 97. You failed to make these payments according to the agreement, and for this you received a LOR on 13 Aug 97. This LOR was placed in your UIF.

f. On 16 May 97, you wrote a check #315 to [REDACTED] in the amount of \$207.50, and thereafter dishonorably failed to maintain sufficient funds in your checking account for payment of the check. For this you received a LOR on 7 Jul 97. This LOR was placed in your UIF.

g. On 19 May 97, you were disrespectful toward your First Sergeant, [REDACTED], in that your tone of voice was hostile and confrontational. Also present in the room during this incident were 1Lt [REDACTED]. For this behavior, you received a LOR on 22 May 97. This LOR was placed in your UIF.

h. Investigation disclosed that you failed to honor your payment plan, set up to pay prior dishonored checks, with the Base Exchange, dated 2 Apr 97. You had agreed to make the following payments: \$60.00 on 15 Apr 97 and \$80.00 on 1 May 97. You contacted the Base Exchange on 16 Apr 97 stating you would pay \$30.00 that day. However, you failed to make that payment. You were directed to provide [REDACTED] office copies of all paid receipts surrounding this payment plan. You told [REDACTED] that you had made a payment on 15 May 97 and that you would provide him with the receipt. As of 19 May 97, you failed to do so. For this you received a LOR on 19 May 97. This LOR was placed in your UIF, and you were placed on the control roster.

i. You dishonorably failed to maintain sufficient funds in your checking account to cover checks #221, cashed at the Ellsworth Air Force Base Exchange on 2 Feb 97 for \$148.50, and check #266 cashed at Ellsworth Base Commissary on 19 Mar 97, for \$28.00. For this you received a LOR on 3 Apr 97.

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] Mountain Home Area Defense Counsel, 728-2675 on 5 Nov 97 at 0800 hrs. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 7 Nov 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 the Physical Exams Section of the Base Hospital at 0800 hrs on 6 Nov 97 for the examination. This is a mandatory

appointment, and you must be in uniform. For the examination, fast for 14 hours prior to the examination, if you wear glasses, bring them, and if you wear contacts, remove them 24 hours prior to the examination.

8. 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 orderly room.

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



Commander

Attachments:

1. Supporting documents
 - a. Vacation Action - 22 Oct 97
 - b. Article 15 - 9 Jun 97
 - c. LOR/UIF - 13 Aug 97
 - d. LOR/UIF - 7 Jul 97
 - e. LOR/UIF - 22 May
 - f. LOR/UIF/Control Roster - 19 May 97
 - g. LOR - 3 Apr 97
2. Airman's Acknowledgment