

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 1.2em; width: 100%;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; height: 1.2em; width: 100%;"></div>
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW
COUNSEL YES NO X		NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBERS SITTING		VOTE OF THE BOARD	
		HON	GEN
		UOTHC	OTHER
		DENY	
		X	
		X	
		X	
		X	
		X	
ISSUES A93.01	INDEX NUMBER A67.10	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 11 Apr 03	CASE NUMBER FD2002-0448		
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 <div style="font-family: cursive; font-size: 1.2em;">[Signature]</div>		SIGNATURE OF BOARD PRESIDENT <div style="font-family: cursive; font-size: 1.2em;">[Signature]</div>	
INDORSEMENT		DATE: 11 APR 03	
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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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 the evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

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

Issue. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 22 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The applicant received three Article 15s, two Letters of Reprimand, one Letter of Counseling, one Letter of Admonishment, and two Records of Individual Counseling for financial irresponsibility, failure to obey, failure to go, and traffic, parking and speeding violations. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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, 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 11 Dec 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 16 Jun 73. Enlmt Age: 18 11/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-65, E-77, G-68, M-88. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 12 Feb 93.

b. Prior Sv: (1) AFRes 1 Jun 92 - 19 Oct 92 (4 Mos 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 20 Oct 92 for 4 yrs. Svd: 3 Yrs 1 Mo 22 Days, all AMS.

b. Grade Status: AMN - 25 JUL 95 (Article 15, Vacation, 8 Nov 95)
A1C - 20 FEB 94
AMN - 20 APR 93

c. Time Lost: None.

d. Art 15's: (1) 8 Nov 95, Vacation, Travis AFB, CA - Article 134. You, being indebted to ----- in the sum of \$195.66 for charges, which amount became due and payable on or about 1 Sep 95, did, from on or about 1 Sep 95, to on or about 1 Nov 95, dishonorably fail to pay said debt. Reduction to Amn. (No appeal) (No mitigation)

(2) 25 Aug 95, Vacation, Travis AFB, CA - Article 86. You, did, on or about 14 Aug 95, without authority, go from your appointed place of duty. Forfeiture of \$75.00 pay per month for 2 months. (No appeal) (No mitigation)

(3) 25 Jul 95, Travis AFB, CA - Article 92. You did, on or about 12 Jul 95, fail to obey a lawful general regulation, to wit: 60th Airlift Wing Supplement 1, Air Force Regulation 125-14, dated 17 Aug 93, by driving your vehicle on base without a valid driver's license and the proper vehicle insurance. Suspended reduction to Amn. Suspended forfeiture of \$75.00 pay per month for 2 months. Thirty days extra duty. (No appeal) (No mitigation)

e. Additional: MFR, 04 Nov 95 - Financial irresponsibility.

LOC, 06 FEB 95 - Financial irresponsibility.
RIC, 19 Sep 94 - Violation of uniform standards.
LOR, 27 JUN 94 - Traffic violations and financial
irresponsibility.
Traffic Ticket, 19 Nov 93 - Parking violation.
RIC, 23 SEP 93 - Financial irresponsibility.
LOA, 22 APR 93 - Speeding on base.
LOR, 02 Mar 93 - Failure to go.

f. CM: None.

g. Record of SV: 20 Oct 92 - 19 Jun 94 Travis AFB 3 (Initial)
20 Jun 94 - 21 Nov 94 Travis AFB 3 (CRO)
22 Nov 94 - 03 May 95 Travis AFB 4 (CRO)

(Discharged from Travis AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (11) Das
TAMS: (3) Yrs (1) Mos (22) Das

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

Issue 1: The reason for my discharge was for financial misconduct. I do not dispute that. I was young and did not properly manage my money. I lost rank and pay because of it. I'm older and wiser now. I have a family to support now and I work two jobs 75 hours a week. I want to go to school to pursue a career (sic) in Law Enforcement. In order to do this I need the GI Bill. I feel that losing (sic) rank and pay was punishment enough for bouncing a few checks. Please don't make my family pay for a young Airmans (sic) mistakes. I have purpose (sic) now and I'm (sic) on the right track. Please help me to become successful (sic). I need an honorable discharge to attend school and advance myself. Please help me. Thank you for your time.

ATCH
None.

24JAN03/ia



DEPARTMENT OF THE AIR FORCE
60TH AERIAL PORT SQUADRON (AMC)

24 NOV 1995

MEMORANDUM FOR [REDACTED]

FROM: 60 APS/CC
90 Ragsdale Road
Travis AFB CA 94535-2941

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 AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 16 Apr 93, you were driving on base at an excessive speed of 41 mph in a 25 mph speed limit zone as evidenced by a DD Form 1408 (Armed Forces Traffic Ticket), for which you received a letter of admonishment (LOA) dated 22 Apr 93.

b. On or about 23 Sep 93, your supervisor was notified that you were delinquent in your AAFES DPP account payments, resulting in a Record of Individual Counseling (RIC) on that same date.

c. On or about 14 Jun 94, at Travis AFB, California, you were cited for failing to stop for a flashing red light, driving with an expired driver's license, and expired vehicle registration as evidenced by a DD Form 1408, resulting in a letter of reprimand (LOR) dated 27 Jun 94.

d. It was disclosed that your AMEX government-issued charges of \$495.66 over the past 6 months was over 120 days past due, for which you received a letter of counseling (LOC) on 6 Feb 95.

e. On or about 12 Jul 95, you failed to obey a lawful general regulation by driving your vehicle on base without a valid driver's license and proper vehicle insurance. For this, you received an Article 15 dated 25 Jul 95 with establishment of an unfavorable information file (UIF). Punishment consisted of a suspended reduction to the grade of airman and 30 days extra duty. Forfeiture of \$75.00 pay per month for 2 months, suspended.

f. On or about 14 Aug 95, without authority, you went from your appointed place of duty, for which nonjudicial punishment of a suspended forfeiture of \$75.00 pay per month for 2 months was vacated on 1 Sep 95 (placed in UIF).

g. From on or about 1 Sep 95 to 1 Nov 95, you dishonorably failed to pay your AMEX charge card indebtedness of \$195.66, for which nonjudicial punishment of a suspended reduction to the grade of airman was vacated on 14 Nov 95.

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 ~~Area Defense Counsel~~ Area Defense Counsel (424-4569/2065), Bldg. 163, Travis AFB, on 29 Nov 95 at 1108 hours. 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 (three workdays from service of this letter) 30 Nov 95, no later than 1500 hours 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 physical examination at the Physical Exams Section, DGMC, on 27 Nov 95, at 0800 hours.

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 the orderly room.

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



Attachments:

1. LOA, 22 Apr 93 w/1 Atch
2. RIC, 23 Sep 93 w/1 Atch
3. LOR, 27 Jun 95 w/1 Atch
4. LOC, 6 Feb 95
5. Article 15/UIF, 25 Jul 95 w/6 Atchs
6. Vacation Action/UIF, 1 Sep 95 w/2 Atchs
7. Vacation Action, 14 Nov 95 w/3 Atchs
8. Other Derogatory Data:
 - a. LOR, 2 Mar 93
 - a. DD 1408, 17 Nov 93
 - b. AAFES DPP Ltr, 24 May 94
 - c. AAFES DPP Ltr, undated
 - d. 60 APS/CCQ Ltr, 6 Feb 95
 - e. RIC, 19 Sep 94