

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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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: 16APR 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

CASE NUMBER

FD02-0483

GENERAL: The applicant appeals for upgrade of discharge to Honorable and change the Reason and Authority for discharge.

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 his discharge. He states that it was because of financial irresponsibility and that he was trying to support his parents. The record indicates the applicant received an Article 15 for forging a signature on a loan application and for writing bad checks. In addition, he received three Letters of Reprimand for financial irresponsibility, falsifying an application by impersonating an officer to lease a vehicle and driving with a suspended license. 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

[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 7 Apr 99 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 13 Nov 77. Enlmt Age: 18 7/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-96, E-33, G-53, M-20. PAFSC: 4N051 - Medical Services Journeyman. DAS: 20 Jul 97.

b. Prior Sv: (1) AFRes 27 Jun 96 - 20 Nov 96 (4 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Nov 96 for 4 yrs. Svd: 2 Yrs 4 Mos 18 Days, all AMS.

b. Grade Status: AB - 3 Dec 98 (Article 15, 3 Dec 98)
A1C - 21 Mar 98
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 3 Dec 98, Keesler AFB, MS - Article 123. You, did, on or about 8 Mar 98, with intent to defraud, utter a certain writing in the following words and figures, to wit: a loan application to Military Financial Group bearing the purported signature of Col -----, a writing which would, if genuine, apparently operate to the legal harm of another. Article 123a. You, did, on or about 20 Aug 98, with intent to deceive and for the payment of a past due obligation, to wit: for the purpose of renting a residence, wrongfully and unlawfully make and utter to ----- a certain check for the payment of money in the amount of \$200.00, dated 20 Aug 98, drawn upon the ----- Bank, made payable to ---, and signed -----, then knowing that he, the maker thereof, did not or would not have sufficient funds in or credit with said bank for the payment of said check in full upon its presentment. Further, you, did, on or about 19 Oct 98, with intent to defraud and for the procurement of a 1991 -----, wrongfully and unlawfully make and utter to ----- a certain check for the payment of money in the amount of \$1,700.00, dated 19 Oct 98, drawn upon the ----- Bank, made payable to

-----, and signed -----, then knowing that he, the maker thereof, did not or would not have sufficient funds in or credit with said bank for the payment of said check in full upon its presentment. Reduction to AB. (No appeal) (No mitigation)

- e. Additional: LOR, 06 NOV 98 - Driving with suspended license.
 LOR, 06 NOV 98 - Falsifying an application by impersonating
 an officer to lease a vehicle.
 LOR, 22 OCT 98 - Financial irresponsibility.

f. CM: None.

- g. Record of SV: 21 Nov 96 - 20 Jul 98 Keesler AFB 5 (Initial)
 21 Jul 98 - 28 Jan 99 Keesler AFB 2 (HAF Dir)REF

(Discharged from Keesler AFB)

h. Awards & Decs: AFTR.

- i. Stmt of Sv: TMS: (2) Yrs (9) Mos (12) Das
 TAMS: (2) Yrs (4) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Oct 02.
 (Change Discharge to Honorable and Change Reason and Authority for Discharge)

Issue 1: I was discharged from the United States Air Force for financial irresponsibility, however majority of the problem finances were that of my parents in whom I tried to support while I was United States Air Force. Please reconsider my discharge for review & upgrade.

ATCH

- 1. Enlisted Performance Report.

12Jan03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR AB [REDACTED]

29 Jan 99

FROM: 81 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Conduct Predjudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.50.2. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending your service be characterized as General.

2. My reasons for this action are:

a. On or about 21 Oct 98, you were observed driving with a suspended driver's license, for which you received a Letter of Reprimand 28 Oct 98 and was added to your Unfavorable Information File. (Atch 1, Appendix A w/atch)

b. On or about 19 Oct 98, you, did, at or near Keesler Air Force Base Mississippi, with intent to defraud and for the procurement of a 1991 Ford Escort GT, wrongfully and unlawfully make and utter to Dale's Auto Sales a certain check for the payment of money in the amount of \$1,700.00, dated 19 Oct 1998, drawn upon the Merchants & Marine Bank of Ocean Springs, Mississippi, made payable to Dale's Auto Sales, and signed [REDACTED] then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with said bank for the said check in full upon its presentation, for which you received an Article 15, UCMJ, non-judicial punishment on 3 Dec 98. (Atch 1, Appendix B w/atch)

c. On or about 20 Aug 98, you, did, at or near Keesler Air Force Base, Mississippi, with intent to deceive and for the payment of a past due obligation, to wit: for the purpose of renting a residence, wrongfully and unlawfully make and utter to [REDACTED] a certain check for the payment of money in the amount of \$200.00, dated 20 Aug 98, drawn upon the Merchants & Marine Bank of Ocean Springs, Mississippi, made payable to [REDACTED] and signed [REDACTED] then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with said bank for the payment of said check in full upon its presentation, for which you received an under Article 15, UCMJ, non-judicial punishment on 3 Dec 98. (Atch 1, Appendix B w/atch)

d. On or about 27 Jul 98, you falsified an application with Ford Credit to lease a 1998 Ford Expedition by stating that you were an O-1E Nurse, for which you were given a Letter of Reprimand on 6 Nov 98 and was added to your Unfavorable Information File. (Atch 1, Appendix C w/atch)

e. On or about 1 Jul 98 and 15 Jul 98, you failed to make rent payments totaling \$1832.50, for which you received a Letter of Reprimand on 22 Oct 98. (Atch 1, Appendix D w/atch)

f. On or about 8 Mar 98, you, did, at or near Keesler Air Force Base, Mississippi, with intent to defraud utter a certain writing in the following words and figures, to wit: a loan application to Military Financial Group bearing the purported signature of [REDACTED] a writing which would, if genuine, apparently operate to the legal harm of another, for which you received an Article 15, UCMJ, non-judicial punishment on 3 Dec 98. (Atch 1, Appendix B w/atch)

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 higher 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. 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] at Bldg 0701, Room 102, on [REDACTED] at [REDACTED] hours. 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 3 Feb by 1630 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 medical examination. You must report to 81st Medical Group, Physical Exams on 1 Feb, 1999 at 0700 for 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 Bldg [REDACTED]

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

[REDACTED]

Attachments:

1. Supporting Documents
 - a. Letter of Reprimand, dated 6 Nov 98 w/atch
 - b. AF Form 3070, dated 3 Dec 98 w/atch
 - c. Letter of Reprimand, dated 6 Nov 98 w/atch
 - d. Letter of Reprimand dated 22 Oct 98 w/atch
2. Airman's receipt of Notification Memorandum