

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SRA	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

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

ISSUES A94.53, A94.05, A93.07, A93.11	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 03-05-07	CASE NUMBER FD2002-0490			

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 03-05-07
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

FD2002-0490

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. She had a Letter of Counseling, a Letter of Reprimand (LOR), and an Article 15. Her misconduct included failure to obey a lawful order of a superior noncommissioned officer, insubordinate conduct toward noncommissioned officers, and writing nine worthless checks totaling about \$1442.00 with intent to defraud. These occurred over a 10-month period of time. In her reply to the Article 15, she noted personal and family problems and stress, and also said she realized she had made some mistakes and accepted responsibility for her poor judgment. In her reply to the LOR, she disputed the facts and stated she was a "good troop" and deserved an honorable discharge. At the time of the discharge, applicant consulted counsel and waived her right to submit statements on her own behalf. The record reflects member had a lack of regard to her financial obligations. This conduct could have been tried by court-martial and subject to a punitive discharge. The Board found that applicant committed a serious offense that does not warrant a characterization of honorable, which is only appropriate when the member's service has been so meritorious that any other characterization would clearly be inappropriate. Applicant was age 25 and 26 when her misconduct occurred, and there is no evidence that she was immature and did not know right from wrong. The Board felt member was given the opportunity to improve her behavior and was either unwilling or unable to do so. There is no evidence that the discharge was inequitable or improper. The Board finds the applicant's discharge to be appropriate and in accordance with Air Force policy.

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]
[REDACTED]
(Former A1C) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 2 Sep 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 22 Feb 69. Enlmt Age: 23 2/12. Disch Age: 28 6/12. Educ: HS DIPL. AFQT: N/A. A-90, E-43, G-57, M-15. PAFSC: 4P051 - Pharmacy Journeyman. DAS: 13 Oct 92.

b. Prior Sv: (1) AFRes 1 May 92 - 12 May 92 (12 days) (Inactive).

(2) Enlisted as AMN 13 May 92 for 4 yrs. Svd: 3 yrs 0 months 12 days, all AMS. A1C - 13 Mar 93. SrA - 13 May 95. EPR: 3,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 26 May 95 for 6 yrs. Svd: 2 Yrs 3 Mo 7 Das, all AMS.

b. Grade Status: A1C - 17 Jan 97 (Vacation, Article 15, 1 Aug 97)

c. Time Lost: None.

d. Art 15's: (1) 1 Aug 97, Dover AFB, DE - Article 91. You did, on or about 15 Jul 97, treat with disrespect in language toward MSgt -----, a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by making statements to him in a disrespectful tone, by saying to him, "Why do you have to have your nose in my damn business" and "I think that's a bunch of shit", or words to that effect. You did, on or about 15 Jul 97, treat with disrespect in language toward SSgt -----, a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of her office, by making several statements to her in a disrespectful tone, by saying to her, "I'm not coming back there and I don't give a damn what you or the First Sergeant say", "I don't give a damn what happened to me", "I hope you're happy about this shit", "I hope you're satisfied with all this damn mess", or words to that effect. Article 92. You did, having knowledge of a lawful order issued by MSgt ----- to submit letters from -----, an order which it was your duty to obey, at or near Dover AFB, Delaware on or about 14 Jul 97,

fail to obey the same by wrongfully not submitting them to MSgt ----- by the date requested. Reduction to A1C. (No appeal) (No mitigation)

- (2) 17 Jan 97, Dover AFB, DE - Article 123a. Specification 1: You did, between on or about 8 Jun 96 and on or about 14 Jun 96, with intent to defraud and for the procurement of things of value, wrongfully and unlawfully make and utter to the ----- certain checks for the payment of money drawn upon the ----- Credit Union, as follows:

08 Jun 96, Ck# 1127, \$150.00
 09 Jun 96, Ck# 1131, \$150.00
 12 Jun 96, Ck# 1145, \$150.00
 12 Jun 96, Ck# 1146, \$ 22.00
 13 Jun 96, Ck# 1148, \$150.00
 14 Jun 96, Ck# 1155, \$150.00

of a total amount of \$772.00, and signed "-----" or "-----," then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with said credit union for payment of said checks in full upon their presentment.

Specification 2: You did, at or near Myrtle Beach, South Carolina, between on or about 3 Jul 96 and on or about 6 Jul 96, with intent to defraud and for the procurement of ----- gift certificates and/or other things of value, wrongfully and unlawfully make and utter to -----, certain checks for the payment of money drawn upon the ----- Credit Union, as follows:

03 Jul 96, Ck# 1169, \$500.00
 04 Jul 96, Ck# 1170, \$600.00
 06 Jul 96, Ck# 1171, \$600.00

of a total amount of \$1700.00, and signed "-----" or "-----," then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with said credit union for the payment of said checks in full upon their presentment. Suspended reduction to A1C, and 45 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 20 AUG 97 - Insubordinate conduct toward noncommissioned officers and a failure to obey orders.
 LOC, 27 SEP 96 - Financial irresponsibility.

f. CM: None.

- g. Record of SV: 13 Jan 95 - 12 Jan 96 Dover AFB 5 (Annual)
13 Jan 96 - 12 Jan 97 Dover AFB 4 (Annual)

(Discharged from Dover AFB)

- h. Awards & Decs: NDSM, AFLSAR, AFTR, AFOUA, AFGCM.

- i. Stmt of Sv: TMS: (5) Yrs (4) Mos (2) Das
TAMS: (5) Yrs (3) Mos (21) Das

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

NO ISSUES SUBMITTED.

ATCH
None.

14JAN03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 436TH AIRLIFT WING (A)

FD 2000-0490



8 Aug 97

MEMORANDUM FOR A1C [REDACTED], 436 MDSS

FROM: 436 MDSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If you are discharged, your discharge will be characterized as honorable or general or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reason for this action is:

<u>DATE</u>	<u>INCIDENT</u>	<u>ACTION</u>	<u>ATCH</u>
14 Jul 97; 15 Jul 97	disobey direct order; disrespect of noncommissioned officer (on 2 separate occasions)	Article 15 Vacation Action, dated 1 Aug 97	1a
8 Jun 96 - 6 Jul 96	Writing bad checks totaling \$2,472.00 with intent to defraud	Article 15, dated 17 Jan 97	1b
No Date	Failure to pay justs debts	LOC, dated 27 Sep 96	1c

Copies of the documents to be forwarded to the separation authority to support 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.

3. 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] Bldg 206, Rm 1, x6995, on 12 Aug 97 at 0900 hours. 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 15 Aug 97 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 been scheduled for a medical examination on 14 Aug 97 at 0745 hours in Bldg 305.
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 the Orderly Room.



Attachments:

1. Supporting Documents:
 - a. Article 15 Vacation Action, 1 Aug 97
 - b. Article 15, dated 17 Jan 97
 - c. LOC, dated 27 Sep 96
2. Airman's Receipt of Notification Memorandum

FD 2002-0490



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 436TH AIRLIFT WING (AMC)



20 Aug 97

MEMORANDUM FOR SRA [REDACTED]

FROM: 436 MDSS/CC

SUBJECT: ADDENDUM - Notification Memorandum, dtd 8 Aug 97

1. I am still recommending your discharge from the United States Air Force for minor disciplinary infractions, and recommend your service be characterized as general. I am changing my original notification memorandum as follows: Paragraph 2. My reason for this action is: Date - 14 Jul 97; 15 Jul 97; Incident - disobey order; disrespect of noncommissioned officer (on 2 separate occasions); Action - Article 15 Vacation Action dated 1 Aug 97; Atch 1a has been superseded with the Action taken as Letter of Reprimand (LOR); however, the date, incident and atch remain as stated.

2. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You may consult civilian counsel at your own expense.

3. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 27 Aug 97 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

4. 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.

5. Any person 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.

[REDACTED]

1st Ind. [REDACTED]

TO: 436 MDSS/CC

I acknowledge receipt at 1222 hrs, on 20 AUG 97. I understand that I have until 27 AUG 97 (5 workdays) to provide any comments and/or documents I wish to be considered.

[REDACTED]



FD2002-0490

2nd Ind: [REDACTED]

To: 436 MDSS/CC

I have / have not provided comments and/or documents.

[REDACTED]

FD 2002-0490
20 August 1997

MEMORANDUM FOR 436 MDSS/CC

FROM [REDACTED]

SUBJECT: ADDENDUM - 436 MDSS CC's Addendum - Notification Memorandum,
dtd 8 Aug 97

1. In response to my commander's addendum regarding my Notification Memorandum dated 8 August 1997, I hereby waive my right to submit any additional statements. In regards to the Article 15 Vacation action that has now been superseded with the LOR action, I ask that my original response to the Article 15 Vacation action now to be used as my response to the LOR action.

2. Thank you for your time and consideration in this matter.

[REDACTED]