

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
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
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES A94.05		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 1 JUL 03		CASE NUMBER FD2003-0016				

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
INDORSEMENT	DATE: 1 JUL 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD03-0016

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 contends that his discharge was too harsh because it was hastily decided and inadequate considering that the conviction that was brought upon him was taken care of immediately, which was being late for duty and for returned checks. The record indicates the applicant received two Article 15s for failure to go, and for writing bad checks for a total of \$6,880.13. He also received a Vacation of suspended non-judicial punishment under Article 15, UCMJ. He also received three Letters of Reprimand for failing his room inspection, failure to go and for making a false statement. And, two Records of Individual Counseling for failing to properly account for tools and for being late for work. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 Jan 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Oct 78. Enlmt Age: 19 9/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-29, E-51, G-37, M-55. PAFSC: 2A753 - Aircraft Structural Maintenance. DAS: 7 Jul 99.

b. Prior Sv: (1) AFRes 22 Jul 98 - 8 Dec 98 (4 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Dec 98 for 6 yrs. Svd: 3 Yrs 1 Mo 21 Das, all AMS.

b. Grade Status: AMN - 21 Dec 01 (Article 15, 21 Dec 01)
A1C - 9 Apr 00
AMN - 9 Jun 99

c. Time Lost: None.

d. Art 15's: (1) 21 Dec 01, Little Rock AFB, AR - Article 123a. You, did, on divers occasions between on or about 17 Feb 00 to on or about 24 Sep 01, with intent to defraud and for the procurement of lawful currency and other things of value, wrongfully and unlawfully utter to the -----, certain checks upon ----- Bank, ----- Credit Union, -----, ----- Bank, and ----- Bank and Trust, in words and figures as follows, to wit: of a total of \$6,880.13 then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with such banks for the payment of the said checks in full upon their presentment. Reduction to Amn, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 31 Jul 00, Vacation, Little Rock AFB, AR - Article 86. You, did, on or about 17 Jul 00, without authority, fail to go at the time prescribed to your appointed place of duty. Forfeiture of \$563.00. (No appeal) (No mitigation)

(3) 12 Jun 00, Little Rock AFB, AR - Article 86. You, did, on or about 30 May 00, without authority, fail to go at the time prescribed to your appointed place of duty.

Suspended forfeiture of \$563.00 pay, 15 days extra duty, 30 days restriction, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 17 MAY 00 - Failure to go and making a false statement.
 RIC, 12 MAY 00 - Late for work.
 LOR, 16 FEB 00 - Failure to go.
 RIC, 04 SEP 99 - Failing to properly account for tools.
 LOR, 21 MAY 99 - Failed room inspection.
- f. CM: None.
- g. Record of SV: 9 Dec 98 - 8 Aug 00 Little Rock AFB 2 (Initial)REF
 9 Aug 00 - 8 Aug 01 Little Rock AFB 4 (Annual)
- (Discharged from Little Rock AFB)
- h. Awards & Decs: AFTR, AFOUA.
- i. Stmt of Sv: TMS: (3) Yrs (6) Mos (8) Das
 TAMS: (3) Yrs (1) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Jan 03.
 (Change Discharge to Honorable)

Issue 1: My discharge was hastily decided and inadquit (sic) considering that the conviction that was brought upon me was taken care of immediately, (being late for duty and returned checks). I submit this to be reviewed and considered for an upgrade from General with Honorable Conditions Discharge to Honorable with Honorable Conditions Discharge.

ATCH
 None.

12MAR03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 314TH AIRLIFT WING (AETC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS

15 JAN 2002

MEMORANDUM FOR AMN [REDACTED]

FROM: 314 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force IAW AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, *A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline*. If my recommendation for discharge is approved, the separation authority may characterize your service as either Honorable or Under Honorable Conditions (General). I will recommend characterizing your service as Under Honorable Conditions (General).

2. My reasons for this action are:

a. Between on or about 17 February 2000 and on or about 24 September 2001, on divers occasions, you uttered to the Army and Air Force Exchange Service bad checks for a total of \$5,880. For your actions, you received Nonjudicial Punishment under Article 15, UCMJ. (Atch 1-1)

b. On or about 17 July 2000, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received Vacation of Suspended Nonjudicial Punishment under Article 15, UCMJ. (Atch 1-2)

c. On or about 30 May 2000, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received Nonjudicial Punishment under Article 15, UCMJ. (Atch 1-3)

d. On or about 15 May 2000, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received a Letter of Reprimand (LOR). (Atch 1-4)

e. On or about 12 May 2000, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received a Letter of Counseling (LOC). (Atch 1-5)

f. On or about 7 February 2000, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received an LOR. (Atch 1-6)

g. On or about 3 September 1999, you failed to properly account for work tools. For your actions, you received an LOC. (Atch 1-7)

h. On or about 20 May 1999, you failed a room inspection. For your actions, you received an LOR. (Atch 1-8)

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 authority will decide whether you will be discharged or retained in the Air Force and, if 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 Capt. [REDACTED] Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 on 18 January 2002 at 0800 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 within (3) workdays or (72) hours unless you request and receive an extension for good cause shown. I will forward any statements you submit 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 Little Rock AFB Clinic at 0945 hours on 16 January 2002 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 the Orderly Room.

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

[REDACTED]
[REDACTED] Lt Col, USAF
Commander

Attachments (See next page)

Attachments:

- 1-1 Article 15, 18 Dec 01
Member's Response, not dated
- 1-2 Vacation, 21 Jul 01
Member's Response, 25 Jul 00
MFR (SSgt [REDACTED]), 17 Jul 00
- 1-3 Article 15, 5 Jun 00
Member's Response, 8 Jun 00
MFR (SSgt [REDACTED]), not dated
MFR (MSgt [REDACTED]), not dated
- 1-4 LOR, 17 May 00
- 1-5 LOC, 12 May 00
- 1-6 LOR, 16 Feb 00
- 1-7 LOC, 4 Sep 99
- 1-8 LOR, 21 May 99