

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ████████████████
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<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>NO</b>	
	X	

<b>MEMBERS SITTING</b>	<b>VOTE OF THE BOARD</b>				
	<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
					X
					X
					X
					X
					X

<b>ISSUES</b> A93.09	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
<b>HEARING DATE</b> 8 APR 03	<b>CASE NUMBER</b> FD2003-0021	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 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.**

<b>SIGNATURE OF RECORDER</b>	<b>SIGNATURE OF BOARD PRESIDENT</b>
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<b>INDORSEMENT</b>	<b>DATE: 8 APR 03</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**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.

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

**ISSUE:** The applicant does not contest the discharge; he states that he regrets his off duty actions and he takes full responsibility for his problems. The record indicates the applicant received two Article 15's for disobeying a no contact order and for wrongfully having sexual intercourse with a married woman that was not his wife. And, for dishonorably failing to pay just debts. In addition, he received two Letters of Reprimand for committing adultery and for a civilian conviction for violating a rental agreement. And, he received a Letter of Counseling for arrest warrants that were issued to him for failure to appear in court for writing bad checks and failure to return an overdue rental video. The Board concluded the misconduct of the applicant appropriately characterized his term of service. No inequity or impropriety in his discharge was suggested or found in the course of the records review. His misconduct was a significant departure from conduct expected of all military members. The Board concluded that the character and reason for discharge were appropriate due to his 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 of discharge or change the reason for 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 Jan 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 3 Jun 75. Enlmt Age: 20 8/12. Disch Age: 26 7/12. Educ: HS DIPL. AFQT: N/A. A-54, E-33, G-37, M-58. PAFSC: 2A353B - Tactical Aircraft Maintenance Apprentice. DAS: 29 Dec 96.

b. Prior Sv: (1) AFRes 21 Feb 96 - 6 Mar 96 (15 Days) (Inactive).

(2) Enld as AB 7 Mar 96 for 4 yrs. Svd: 3 Yrs 0 Mos 29 Das, all AMS. AMN - 7 Sep 96. A1C - 7 Jul 97. SRA - 7 Mar 99. EPRs; 4,5.

3. **SERVICE UNDER REVIEW:**

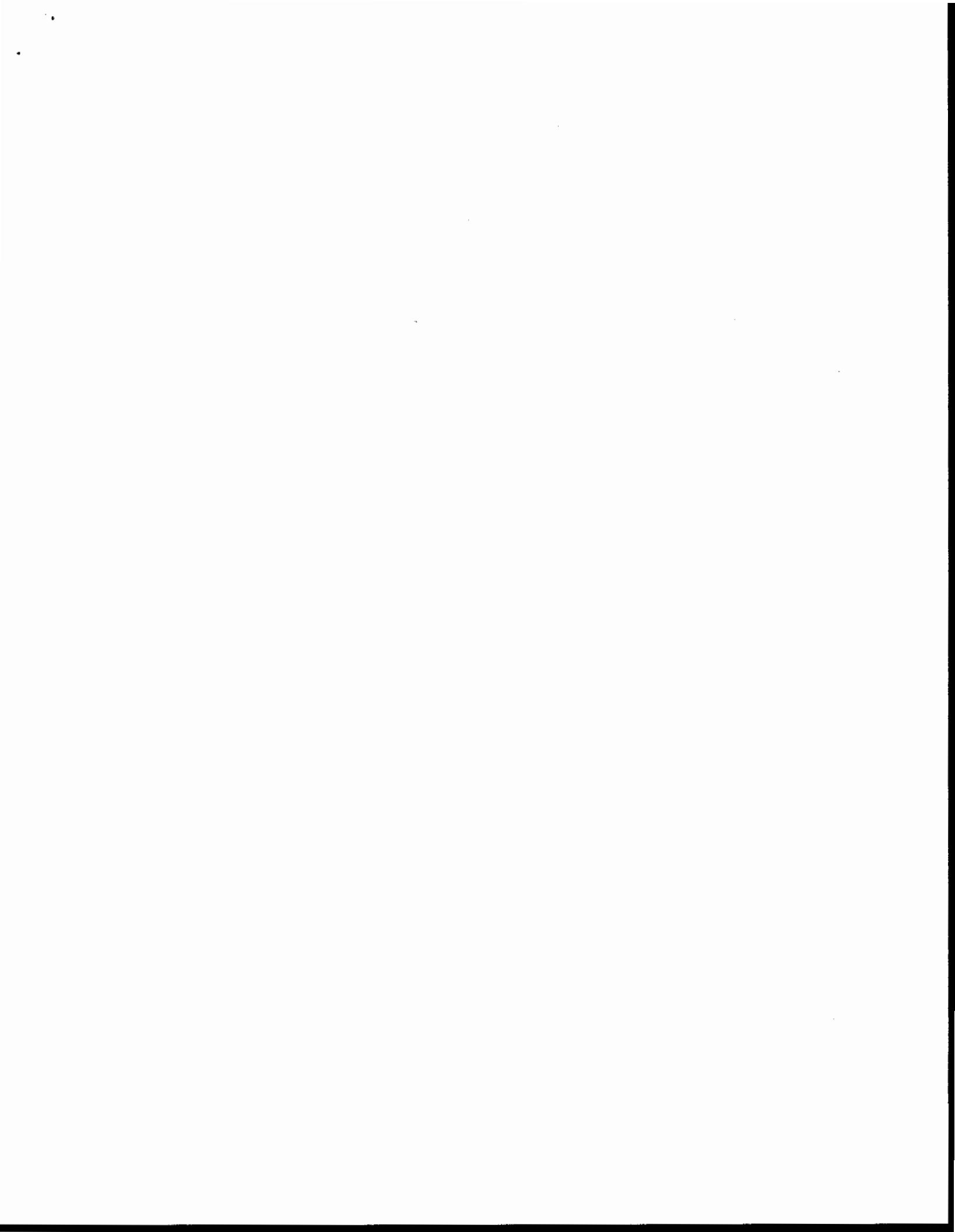
a. Reenld as SRA 5 Apr 99 for 6 yrs. Svd: 2 Yrs 9 Mos 0 Das, of which AMS is 2 Yrs 8 Mos 28 Das (Ex: 2 Das lost time).

b. Grade Status: A1C - 16 May 00 (Article 15, 16 May 00)

c. Time Lost: 24 Jul 01-25 Jul 01 (2 Days)

d. Art 15's: (1) 16 May 00, Shaw AFB, SC - Article 92. You, having knowledge of a lawful order issued by MSgt ----- not to have contact with SRA -----, an order which it was your duty to obey, did, on divers occasions between on or about 5 Apr 00 and on or about 21 Apr 00, fail to obey the same by wrongfully having contact with SRA ----- Article 134. You did, on divers occasions between on or about 1 Oct 99 and on or about 21 Apr 00, wrongfully have sexual intercourse with SRA -----, a married woman not your wife. Reduction to A1C, and a suspended reduction to AMN. (No appeal) (No mitigation)

(2) 10 Jan 00, Shaw AFB, SC - Article 134. You, being indebted to ----- for charges incurred on your government credit card in the sum of \$743.14, which amount became due and payable on or about 31 Jul 99; \$32.98, which amount became due and payable on or about 30 Aug 99; and \$688.20, which became due and payable on or about 29 Sep 99, did, from 31 Jul 99 to 28 Dec 99, dishonorably fail to pay said debts. Article 107. You, did, on or about 27 Dec 99, with intent to deceive, make



to SMSgt -----, an official statement, to wit: that you had "paid the bill 3 or 4 weeks earlier", which statement was totally false, and was then known by you to be so false. Suspended reduction to A1C, and 14 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 01 AUG 01 - Civilian conviction for violating a rental agreement.  
 LOR, 28 DEC 99 - Alleged misconduct of committing adultery.  
 LOC, 12 AUG 99 - Arrest warrants issued for failure to appear in court for writing bad checks and failure to return an overdue rental video.  
 TRAFFIC TICKET, 12 SEP 00 - Driving without driver's license.
- f. CM: None.
- g. Record of SV: 10 Dec 98 - 9 Dec 99 Shaw AFB 3 (Annual) REF  
 10 Dec 99 - 9 Dec 00 Shaw AFB 4 (Annual) REF  
 (Discharged from Shaw AFB)
- h. Awards & Decs: AFLSA, AFTR, AFEM, AFOUA W/1 OLC, JMUA, AFGCM.
- i. Stmt of Sv: TMS: (5) Yrs (10) Mos (12) Das  
 TAMS: (5) Yrs (9) Mos (26) Das

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

Issue 1: I respectfully request the consideration of an upgrade of my general discharge, to honorable.

Issue 2: I regret that my off duty actions, prevented me from having an Air Force career. I loved the Air Force, and my job (F-16 crew chief).

Issue 3: I take full responsibility for my inaction regarding my financial problems. Insufficient funds, and check writing contributed to my general discharge. I didn't do this intentionally and since discharge have turned over bill paying, to my parents. Needless to say, I no longer have a checking account.

Issue 4: My failure to return a video rental, on time, was also a contributing factor.

Issue 5: I neglected to have my driver's license with me, when I went to the gym, and received an on-base ticket, at the gate.

Issue 6: My personal relationship, with a female who I thought was legally



DEPARTMENT OF THE AIR FORCE FD2003-00021  
20th FIGHTER WING (ACC)  
SHAW AIR FORCE BASE, SOUTH CAROLINA

MEMORANDUM FOR [REDACTED]

11 DEC 01

FROM: 77 FS/CC

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 AFPD 36-32, *Military Retirement and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as honorable or general. I recommend your discharge be characterized as general.

2. My reasons for this action are:

a. On or about 24 Jul 01, you were convicted by the Sumter County Summary Court for the issuance of worthless checks, which resulted in you serving two days in jail. For this misconduct, you received a letter of reprimand (LOR), dated 1 Aug 01.

b. Between on or about 5 Apr 00 and on or about 21 Apr 00, on divers occasions, you failed to obey a lawful order by wrongfully having contact with [REDACTED]. For this misconduct, you received Article 15 nonjudicial punishment action, dated 16 May 00. Punishment consisted of a reduction to the grade of Airman, but the reduction in excess of the grade of Airman First Class was suspended.

c. Between on or about 31 Jul 99 to on or about 28 Dec 99, you failed to pay your debt to Nations Bank for charges incurred on your government credit card in the amount of \$743.14. For this misconduct, you received Article 15 nonjudicial punishment action on 10 Jan 00. Punishment consisted of a suspended reduction to the grade of Airman First Class and 15 days extra duty. Additionally, an unfavorable information file was established, dated 10 Jan 00.

d. On or about 28 Dec 99, you had accusations of adultery made against you and a married member of this unit. For this misconduct, you received an LOR, dated 28 Dec 99.

e. On or about 12 Aug 99, your failure to appear in court and your failure to return rental property resulted in your First Sergeant being contacted regarding two warrants for your arrest. For this misconduct, you received a letter of counseling (LOC), dated 12 Aug 00.

The matters discussed above are attached at Tab 4.

3. In addition to the above reasons for discharge, your file reflects two written orders, dated 24 Apr 00 and 5 Apr 00, ordering you to have no contact with [REDACTED]. Additionally, you received a ticket for driving without your driver's license. These documents are attached at Tab 4a.

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 and will probably not be allowed to enlist in any other branch of the armed forces.

5. 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] Area Defense Counsel, 895-9530, on ~~Nov 01~~ Nov 01, at [REDACTED] hours. You may consult civilian counsel at your own expense.

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11 Dec 01 1430

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6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three days after receipt of the notification memorandum, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You must report to the Shaw AFB Hospital, Physical Examinations Section, between the hours of 1100 - 1300, Mon - Thurs, for a medical examination.

9. 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.

10. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge, unless the reason is homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

11. Execute the attached acknowledgment, and return it to me immediately.



Attachments:

- 1. LOR, 1 Aug 01 (Tab 4)
- 2. AF Form 3070, 16 May 00 w/Atchs (Tab 4)
- 3. AF Form 3070, 10 Jan 00 w/Atchs (Tab 4)
- 4. LOR, 28 Dec 99 (Tab 4)
- 5. LOC, 12 Aug 99 (Tab 4)
- 6. DD Form 1408, 18 Sep 00 (Tab 4a)
- 7. WO, 24 Apr 00(Tab 4a)
- 8. WO, 5 Apr 00 (Tab 4a)
- 9. Respondent's Receipt of Notification (Tab 5)