

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1em;"></div>		GRADE A1C	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1em;"></div>			
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
						X
						X
						X
						X
ISSUES A92.15, A92.19, A93.11, A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
				1	ORDER APPOINTING THE BOARD	
HEARING DATE 2 JULY 2003		CASE NUMBER FD2003-00025		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	
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 <div style="background-color: black; width: 100%; height: 2em;"></div>			SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 2em;"></div>			
INDORSEMENT			DATE: 2 JULY 2003			
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

FD2003-00025

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 that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify upgrade of the discharge.

Issue. Applicant was discharged for minor disciplinary infractions. Member received three Articles 15, five Letters of Reprimand, and one Letter of Counseling. His misconduct included financial irresponsibility on numerous occasions, making a false official statement, damage to government property, causing an accident by parking on railroad tracks during hours of darkness and violating a road closure sign. The applicant was given multiple opportunities to correct his deficiencies. He failed to respond to those rehabilitative efforts. The Board noted member's duty performance as documented by his performance reports and other information contained in the record. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge and that the characterization of the discharge received by the applicant was found to be appropriate.

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

MISSING MEDICAL RECORDS

[REDACTED]
(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 12 Jan 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 27 Sep 74. Enlmt Age: 19 1/12. Disch Age: 26 3/12. Educ: HS DIPL. AFQT: N/A. A-90, E-91, G-88, M-85. PAFSC: 3P051 - Security Forces Journeyman. DAS: 16 Feb 97.

b. Prior Sv: (1) AFRes 22 Nov 93 - 15 Dec 93 (24 days) (Inactive).

(2) Enlisted as AB 16 Dec 93 for 4 yrs. Extended 17 Sep 96 for 3 months. Svd: 3 yrs 3 months 3 days, all AMS. AMN - 16 Jun 94. A1C - 16 Apr 95. SRA - 16 Dec 96. EPRs: 4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 19 Mar 97 for 6 yrs. Svd: 3 Yrs 9 Mo 24 Das, all AMS.

b. Grade Status: A1C - 9 Oct 00 (Article 15, 9 Oct 00)

c. Time Lost: None.

d. Art 15's: (1) 9 Oct 00, Vandenberg AFB, CA - Article 134. You, did, on or about 14 May 00, make and utter to -----, a certain check, in words and figures, to wit: check #1031, in the sum of \$5.45 for the purchase of goods and did thereafter dishonorably fail to maintain sufficient funds in the ----- Bank for payment of such check in full upon its presentment for payment. You did, on or about 23 Aug 00, make and utter to the ----- a certain check, in words and figures as follows, to wit: check #1171 in the sum of \$42.87, for the purchase of goods and did thereafter dishonorably fail to maintain sufficient funds in the ----- Bank for payment of such check in full upon its presentment for payment. Reduction to A1C, suspended forfeiture of \$250.00 pay per month for 2 months, and 30 days restriction. (Appeal/Denied) (No mitigation)

(2) 25 Apr 00, Vandenberg AFB, CA - Article 134. You did, on or about 10 Feb 00, make and utter a check to -----,

in words and figures as follows, to wit: Check #138 in the sum of \$28.45 for the purpose of obtaining goods and/or services, and did thereafter dishonorably fail to maintain sufficient funds in your ----- Account for payment of such check in full upon it's presentation for payment. Suspended reduction A1C, and 30 days restriction. (No appeal) (No mitigation)

- (3) 1 Nov 97, Aviano AB, Italy - Article 107. You did, on or about 17 Oct 97, with intent to deceive, make on an AF Form 1168, an official statement to wit: "I have no knowledge of what caused the driver's side tires of our Humvee to flat", or words to that effect, which statement was totally false in that you lost control of the Humvee and hit a fence, and was then known by you to be so false. Article 108. You did, on or about 17 Oct 97, without proper authority, through neglect damage a fence and a Humvee, by hitting the fence with the Humvee, military property of the United States, the amount of the said damage being in excess of \$100.00. Article 111. You did, on or about 17 Oct 97, physically control a vehicle to wit: a Humvee, in a reckless and wanton manner by driving too quickly on an unfamiliar road and losing control of the Humvee and striking a fence. Suspended reduction to A1C, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 19 OCT 99 - Financial irresponsibility.
 LOR, 12 OCT 99 - Financial irresponsibility.
 LOR, 10 AUG 99 - Parking on railroad tracks, violation of road closure sign during hours of darkness, and causing an accident.
 LOR, 08 JUN 99 - Financial irresponsibility.
 LOR, 31 MAY 99 - Financial irresponsibility.
 LOC, 23 DEC 98 - Financial irresponsibility.

f. CM: None.

- g. Record of SV: 8 Aug 96 - 3 Jan 98 Vandenberg AFB 4 (Annual)
 4 Jan 98 - 1 Sep 98 Vandenberg AFB 5 (CRO)
 2 Sep 98 - 1 Sep 99 Vandenberg AFB 4 (Annual)REF
 2 Sep 99 - 1 Sep 00 Vandenberg AFB 3 (Annual)REF

(Discharged from Vandenberg AFB)

- h. Awards & Decs: AFLSAR, AFTR, NDSM, NCOPMER, AFOUA W/2 DEVS, AFGCM.
- i. Stmt of Sv: TMS: (7) Yrs (1) Mos (22) Das
 TAMS: (7) Yrs (0) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Jan 03.
(Change Discharge to Honorable)

IssueS: My discharge was based on events beyond my immediate control, circumstances of which were repeatedly identified to all levels of leadership within my unit, and for which I took every possible action to remedy. These events spanned a time frame of less than one year of my seven years of active service. Despite the hardships that initiated my discharge, I maintained the highest level of job performance, leadership responsibilities, and was regarded as an example for others in my unit to follow. At the time of my discharge, immediate leadership such as Flight Sergeants, Flight Leaders, and Direct Supervisors with first hand knowledge of my performance and dedication to duty all petitioned squadron leadership to grant an honorable discharge. In the time since my discharge, the problems associated with my discharge have all passed and I have prospered in the civilian community. I have secured a professional occupation and began work toward a collegiate degree. For more details regarding this issue, please refer to the attached personal statement.

ATCH

1. Personal Statement.

17MAR03/ia



DEPARTMENT OF THE AIR FORCE
30TH SPACE WING (AFSPC)

NOV 27 2000

MEMORANDUM FOR [REDACTED]

FROM: 30 SFS/CC

SUBJECT: Notification of Administrative Discharge Action Under AFI 36-3208

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions according to AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.49. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.

2. My reasons for this action are:

a. On or about 17 Oct 97 you violated Article 107, UCMJ, by making a false official statement on an AF Form 1168 regarding a Humvee accident in which you destroyed a fence and caused damage to the Humvee. You also violated Article 108, UCMJ, for damaging military property (same incident as above) and Article 111, UCMJ, for operating the Humvee in a reckless and wanton manner. As a result of these actions, you received nonjudicial punishment under Article 15, UCMJ, dated 1 Nov 97. Punishment consisted of reduction to the grade of Airman First Class (suspended), 14 days extra duty, and a reprimand.

b. On or about 15 Dec 98, our unit was notified that you wrote a check for insufficient funds at the Vandenberg Air Force Base Commissary. As a result, you received a Letter of Counseling (LOC), receipted for 23 Dec 98.

c. On or about 9 Mar 99, you wrote two checks (\$100 and \$48) to AAFES that were returned due to insufficient funds. As a result, you received a Letter of Reprimand (LOR), dated 31 May 99. This LOR was added to your existing UIF.

d. On or about 9 May 99, you wrote a check to AAFES for \$60.54 that was returned due to insufficient funds. As a result, you received a LOR, dated 8 Jun 99. This LOR was added to your existing UIF.

e. On or about 20 Jun 99, you were cited for being in violation of 22521 VC (parking your POV on railroad tracks) and 30 SWI 31-701-19.8 (violation of road closure sign during hours of darkness) which resulted in an accident with your vehicle and a train. As a result, you received a LOR for this offense dated 10 Aug 99. This LOR was added to your existing UIF.

f. On or about 26 Sep 99, you wrote a check for the amount of \$24.44 to the 76 Station in Vandenberg Village that was returned due to insufficient funds. As a result, you received a LOR,

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dated 19 Oct 99. This LOR was added to your existing UIF.

g. On or about 6 Oct 99, you again wrote a check to AAFES and failed to maintain sufficient funds to cover it. As a result, you received an LOR for this offense, dated 12 Oct 99. This LOR was added to your existing UIF.

h. On or about 10 Feb 00, you violated Article 134, UCMJ, by writing a check to Bill's Village for \$28.45 and failing to maintain sufficient funds to cover the check. As a result, you received nonjudicial punishment under Article 15, UCMJ, dated 25 Apr 00. Punishment consisted of reduction to the grade of Airman First Class (suspended) and restriction to Vandenberg Air Force Base for 30 days.

i. On or about 14 May 00, you violated Article 134, UCMJ, by writing a check to Burger King for \$5.45 and failing to maintain sufficient funds to cover the check. On or about 23 Aug 00, you violated Article 134, UCMJ, by writing a check to the Vandenberg Commissary for \$42.87 and failing to maintain sufficient funds to cover the check. As a result, you received nonjudicial punishment under Article 15, UCMJ, dated 9 Oct 00. Punishment consisted of reduction in rank to Airman First Class, forfeiture of \$250.00 pay per month for 2 months (suspended until 8 Apr 01) and restriction to Vandenberg Air Force Base California for 30 days.

3. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) characterization of service. I am recommending that your discharge be characterized as General, Under Honorable Conditions. The commander exercising special courts-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. Furthermore, any special pay, bonuses, or education assistance you have received may be subject to recoupment.

4. You have the right to:

- a. Consult legal counsel;
- b. Present your case to an administrative discharge board;
- c. Be represented by legal counsel at a board hearing;
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing;
- e. Waive any or all of the above rights. ***You must consult legal counsel before making a decision to waive any of your rights.***

5. You have been scheduled for a medical examination. You must report to building 13848 at _____ hours on _____ for the examination.

6. Military legal counsel has been obtained to assist you. I have made an appointment for you to

consult [REDACTED] at the Area Defense Counsel, Building 8500, ext. 6-3627/28, at _____ hours on _____. Instead of the appointed counsel, you may have another, if the lawyer you request is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, **within 7 duty days**, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the separation authority with the case file to be considered with this recommendation. ***If you fail to respond within 7 duty days without an approved extension, your failure will constitute a waiver of your right to a board hearing.***

8. Any personal information you furnish in rebuttal to this action is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at the office of the Area Defense Counsel, Building 8500.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at a board hearing.

10. The discharge board or, the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).

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

[REDACTED]
Commander

Attachments:

1. AF Form 3070, dated 25 Oct 97
2. Letter of Counseling, dated 23 Dec 98
3. AF Form 1058, dated 23 Jun 99
4. Letter of Reprimand, dated 31 May 99
5. Letter of Reprimand, dated 8 Jun 99
6. AF Form 1058, dated 25 Aug 99
7. Letter of Reprimand, dated 10 Aug 99
8. AF Form 1058, dated 2 Nov 99
9. Letter of Reprimand, dated 19 Oct 99
10. Letter of Reprimand, dated 12 Oct 99

11. AF Form 3070, dated 17 Apr 00
12. AF Form 3070, dated 9 Oct 00