

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	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
					X

ISSUES A93.09	INDEX NUMBER A47.00, A49.00	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 2 MAY 03	CASE NUMBER FD2003-0065			

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	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 2 MAY 03
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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

FD03-0065

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

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 to Honorable 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 contends his discharge was inequitable because it was too harsh due to his personal/financial problems. The records indicated the applicant received an Article 15 for dishonorably failing to pay said debt. Then he had a Vacation action under the UCMJ for being derelict in the performance of his duties and for dishonorably failing to pay said debt. In addition, he received two Letters of Reprimand, four Letters of Counseling, and a Memorandum For Record for financial irresponsibility, dereliction of duty, and failure to go. The Board concluded the misconduct was a significant departure from conduct expected of all military members.

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.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]

(Former SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 11 Mar 98 UP AFI 36-3208, para 5.26 (Unsatisfactory Performance - Irresponsibility in the Management of Personal Finances). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority).

2. **BACKGROUND:**

a. DOB: 25 Jul 71. Enlmt Age: 18 7/12. Disch Age: 26 7/12. Educ: HS DIPL. AFQT: N/A. A-80, E-92, G-86, M-79. PAFSC: 2A551L - Aerospace Maintenance Journeyman. DAS: 30 Jul 90.

b. Prior Sv: (1) AFRes 5 Mar 90 - 22 Apr 90 (1 Month 18 Days) (Inactive).

(2) Enld as AB 23 Apr 90 for 6 yrs. Svd: 5 Yrs 0 Mos 2 Das, all AMS. A1C - (EPR Indicates): 23 Apr 90-30 Jul 92. SRA - 6 Oct 92. EPRs: 5,5,5.

Article 15's: (1) 18 Dec 90; McConnell AFB, KS - Article 132. You did, on or about 29 Nov 90, by preparing an AF Form 180 for presentment for approval or payment, make a claim against the United States in the amount of \$1381.00 for private property alleged to have been lost in the military service, which claim was false and fraudulent in the amount of \$853.00 in that a gold colored chair, coffee table, and a set of corelle plates were claimed by you in amounts excess of the replacement cost and was then known by you to be false and fraudulent. Suspended reduction to AMN, 45 days extra duty, and forfeiture of \$100.00 pay per month for two months (forfeiture in excess of \$50.00 pay per month for two months suspended). (No appeal) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. [REDACTED] as SRA 24 Apr 95 for 4 yrs. Ext: 12 Jul 95 for 7 months. Ext: 1 May 96 for 9 months. Svd: 2 Yrs 10 Mos 16 Das, all AMS.

b. Grade Status: SRA - 18 Nov 97 (Vacation, Article 15, 12 Feb 98)
SSGT - 1 Jun 96

c. Time Lost: None.

d. Art 15's: (1) 12 Feb 98, Vacation, McConnell AFB, KS - Article 92. You, who knew of your duties, on or about 8 Jan 98, were derelict in the performance of those duties in that you failed to follow correct Technical Order procedures when

you conducted a follow-up wash inspection on an aircraft. Article 134. You, being indebted to ----- in the sum of \$428.00 for child support, which amount became due and payable on 1 Jan 98, did from 1 Jan 98 to 5 Feb 98, dishonorably fail to pay said debt. Reduction to SRA. (No appeal) (No mitigation)

(2) 18 Nov 97, McConnell AFB, KS - Article 134. You, being indebted to ----- in the sum of \$256.00 for child support, which amount became due and payable on or about 22 Aug 97, did from 22 Aug 97 to on or about 3 Nov 97, dishonorably fail to pay said debt. Suspended reduction to SRA, suspended forfeiture of \$325.00 pay, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 09 FEB 98 - Failure to provide support to family members.

MFR, 23 JAN 98 - Financial irresponsibility.
 LOR, 12 JAN 98 - Dereliction of duty.
 RIC, 09 JAN 98 - Dereliction of duty.
 LOR, 29 AUG 97 - Financial irresponsibility.
 RIC, 03 JUN 97 - Late for work.
 RIC, 06 SEP 96 - Failure to go.
 TRAFFIC TICKET, 11 FEB 96 - Speeding.
 RIC, 09 JAN 95 - Financial irresponsibility.
 AFEEES STMT, 23 JUL 93 - Financial irresponsibility.
 AFEEES STMT, 15 JUL 93 - Financial irresponsibility.

f. CM: None

g. Record of SV: 31 Jul 94 - 30 Jul 95 McConnell AFB 5 (Annual)
 31 Jul 95 - 16 Jun 96 McConnell AFB 5 (CRO)
 17 Jun 96 - 14 May 97 McConnell AFB 5 (CRO)

(Discharged from McConnell AFB)

h. Awards & Decs: AFAM, AFCM, AFLSA, AFTR, NDSM, NCOPMER, AFOUA W/1 DEV, JMUA, AFGCM W/1 DEV.

i. Stmt of Sv: TMS: (8) Yrs (0) Mos (7) Das
 TAMS: (7) Yrs (10) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Feb 03.

(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issue 1: I recieved (sic) the Air Force Good Conduct Medal with one device. Also recieved (sic) an Achievement Medal for service above and beyond, and a Commendation Medal for life saving efforts at the scene of an automobile accident.

Issue 2: My financial troubles seemed to get worse so I requested my seperation (sic) to improve my finances. They are now resolved and would like to serve again in the Air National Guard.

ATCH

1. Response to Vacation of Article 15.
2. Enlisted Evaluation Reports.
3. Court Decree.

26Mar03/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 22D AIR REFUELING WING (AMC)
McCONNELL AIR FORCE BASE, KANSAS

FEB 1 1998

FEB 19 1998

MEMORANDUM FOR SRA [REDACTED]

FROM: 22 MXS/CCE

SUBJECT: Notification Letter – Board Hearing

1. I am recommending your discharge from the United States Air Force for irresponsibility in the management of personal finances, in accordance with AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.26. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. You did, on or before 25 Aug 97, fail to make timely payments on your American General account, as evidenced by a Letter of Reprimand (LOR), dated 29 Aug 97.

b. You did, between on or about 22 Aug 97 to on or about 3 Nov 97, fail to make child support payments to [REDACTED] in the amount of \$256.00, as evidenced by an AF Form 3070 (Record of Nonjudicial Punishment Proceedings), dated 18 Nov 97 and Divorce Decree and Payment History (Case No. 97 D 1564).

c. You were, on or about 10 Jan 98, notified by Innovative Financial Systems of an overdue debt of \$45.50, as evidenced by the Innovative Financial Systems debt collection notice, dated 10 Jan 98.

d. You did, on or about 1 Dec 97 and on or about 18 Dec 97, wrongfully utter two checks for child support to the Wichita Court House, knowing there were insufficient funds in your account to cover these checks, as evidenced by a Memorandum for Record by MSg [REDACTED] dated 23 Jan 98 and Divorce Decree and Payment History (Case No. 94 D 5202).

e. You did, between on or about 1 Aug 97 and 1 Feb 98, fail to support your children and are delinquent in the amount of \$1,971.49, as evidenced by an LOR, dated 9 Feb 98 and an Unfavorable Information File Action, dated 9 Feb 98.

f. You did, between on or about 1 Jan 98 and 5 Feb 98, dishonorably fail to pay a debt to Sedgwick County Clerk of Court in the sum of \$428.00 for child support, as evidenced by AF Form 366 (Record of Proceedings of Vacation of Suspended Nonjudicial Punishment), dated 12 Feb 98.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an under honorable conditions (General) discharge. The commander exercising SPCM 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.

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 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 **mandatory** medical appointment. You are to report to the 22d Medical Squadron, Physical Exams Section, on 24 Feb 98 at 1300 L. Take your medical records with you. If you wear glasses, take them with you. If you wear contacts, have them out 12 hours prior to the exam.

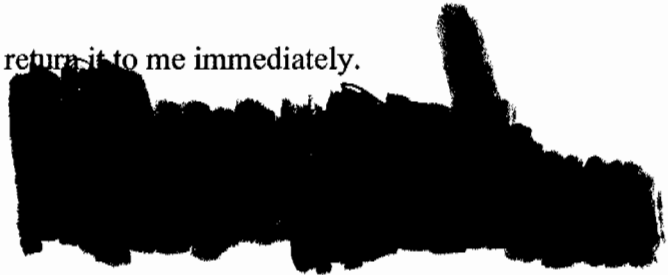
6. Military legal counsel, [REDACTED] Area Defense Counsel (ADC), ext. 4375 has been obtained to assist you. An appointment has been scheduled for you to consult him on 23 Feb 98 at 1030 L. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 52-201. 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 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who will also 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 discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to a board hearing.

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 your squadron orderly room.

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 the hearing.

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



Attachments:

1. Acknowledgment of Receipt of Notification Memorandum
2. Statement of Understanding
3. Supporting Documents
4. Documents Containing Derogatory Data
5. EPR's