

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]					
TYPE	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE		RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No	[REDACTED]		[REDACTED]				
<input checked="" type="checkbox"/>								
MEMBER SITTING				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
[REDACTED]				X*				
[REDACTED]				X*				
[REDACTED]								X
[REDACTED]								X
[REDACTED]				X*				
ISSUES	A94.06	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 DATE		CASE NUMBER						
16 Oct 2003		FD-2003-00071						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE								
<p>Case heard at Washington, D.C.</p> <p>Upgrade of discharge to Honorable with Secretarial Authority.</p> <p>*Change RE Code to 3K.</p> <p>Advise applicant of the decision of the Board.</p>								
SIGNATURE OF RECORDER				SIGNATURE				
[REDACTED]				[REDACTED]				
INDORSEMENT						DATE: 12/15/2003		
TO:				FROM:				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00071

GENERAL: The applicant appeals for upgrade of discharge to honorable, reason and authority, and to change the reenlistment code.

The applicant appeared before the Board with Counsel, [REDACTED] on 16 Oct 03 at Andrews AFB, Maryland.

The following additional exhibits were offered into evidence:

Exhibit 6: Embry-Riddle Aeronautical University Student Schedule

Exhibit 7: Characters Letters (11)

Exhibit 8: Financial Aid Loan Summary

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants the requested relief. Upgrade of discharge to Honorable, change of reason and authority, and change of reenlistment code is approved.

The Board finds that the evidence of record and that provided by applicant and his attorney substantiates an impropriety that would fully justify a change of discharge.

ISSUE:

The record reflected the applicant received an Article 15, two Letters of Reprimand, and one Memorandum for Record. His misconduct included failure to pay his Government Credit Card, failure to wear proper rank, falsely sign an official record, financial irresponsibility, failure to obey a lawful order, and failure to complete file paperwork within a timely set time limit of 3 duty days. The Board paid particular attention to the failure to pay Government Credit Card and failure to wear proper rank. While the Board did not condone applicant's misconduct, which was a departure from conduct expected of all military members, they also noted applicant was not involved in serious misconduct and there were extenuating circumstances that may have mitigated some of the incidents. The Board found the evidence submitted by applicant and counsel sufficient to warrant an Honorable discharge, to change the reason and authority for the discharge, and to change the reenlistment code.

CONCLUSIONS: In view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason for discharge should be changed to Honorable and Secretarial Authority and his reenlistment code should be changed to 3K under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

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

MISSING MEDICAL RECORDS

(Former AMN) (HGH AIC)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 11 Apr 00 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 9 Apr 76. Enlmt Age: 17 7/12. Disch Age: 24 0/12. Educ: HS DIPL. AFQT: N/A. A-59, E-48, G-51, M-54. PAFSC: 4A031 - Health Services Management Apprentice. DAS: 3 Sep 99.

b. Prior Sv: (Examiner's Note: Some enlistment documents are missing from the file. Therefore, the following service dates and numbers were calculated using the Statement of Service, DD 4s available, and the Recommendation for Discharge).

(1) AFRes 24 Nov 93 - 14 Jun 94 (6 months 21 days) (Inactive).

(2) Enlisted as A1C 15 Jun 94 for 4 yrs. Svd: 2 yrs 2 months 1 day, all AMS. (15 Jun 94-16 Aug 96).

(3) Enlisted USAFR 7 Dec 96 for 6 yrs. Svd: 2 yrs 8 months 23 days, of which AMS is 1 month 8 days. SrA - 12 Apr 96. A1C - 17 Mar 99 (Demotion Order AA-008, 21 Apr 99). EPR: 5.

3. **SERVICE UNDER REVIEW:**

a. Ordered to EAD as A1C 31 Aug 99. Svd: 0 Yrs 7 Mo 11 Das, all AMS.

b. Grade Status: AMN - 8 Feb 00 (Article 15, 8 Feb 00)

c. Time Lost: None.

d. Art 15's: (1) 8 Feb 00, Altus AFB, OK - Article 92. You, who knew or should have known of your duties, on or about 3 Mar 98 to on or about 26 Dec 99, were derelict in the performance of those duties in that you willfully failed to pay your ----- Government Travel Card, as it was your duty to do. You, having knowledge of a lawful order issued by Capt -----, Reserve Order AA-008, dated 21 Apr 99, to be demoted to the permanent grade of A1C, and order which was your duty to obey, did on or about 21 Apr 99 to about 18 Jan 00, fail to obey the same by continuing to wear the rank of SrA. Article 107. You,

did, on or about 7 Sep 99, with intent to deceive, sign an official record, to wit: DD Form 91, Record of Emergency Data, which was false in that you signed as an (E-4) SrA, and was then known by you to be so false. Reduction to Airman (E-2), 15 days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 14 MAR 00 - Financial irresponsibility and failure to go.
 LOR, 16 FEB 00 - Failure to obey a lawful order.
 MFR, 11 JAN 00 - Failure to complete file paperwork within a timely set time limit of 3 duty days.

f. CM: None.

- g. Record of SV: 31 Aug 99 - 7 Mar 00 Altus AFB 2 (HAF Dir) REF

(Discharged from Altus AFB)

h. Awards & Decs: AFLSAR, AFTR, NDSM.

- i. Stmt of Sv: TMS: (6) Yrs (4) Mos (27) Das
 TAMS: (2) Yrs (10) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 26 Jan 03.
 (Change Discharge to Honorable)

Issue 1: Whether the series of alleged minor offenses actually occurred.

Issue 2: Whether the Applicant's conduct warranted a separation action.

Issue 3: Whether a general discharge properly characterized Applicant's term of service.

ATCH

1. DD Form 214.

31MAR03/ia

DEPARTMENT OF THE AIR FORCE

Air Education and Training Command
Altus Air Force Base, Oklahoma

PD 2003 00071

31 Mar 00

MEMORANDUM FOR AMN [REDACTED]

FROM: [REDACTED]

SUBJECT: Notification Letter--Board Hearing

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline according to AFD 36-32 and AFI 36-3208, paragraph 5.50.2. 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. On or about 6 Dec 99 you became 90 days delinquent in the amount of \$157.10 owed to Altus Flying Services Inc. for flying instructions and rentals. Also on or about 13 Mar 00 you failed to go to the Recycling Center to report for your assigned recycling detail. For these acts of misconduct, you received a Letter of Reprimand (LOR), dated 14 Mar 00.

b. On 8 Feb 00 you received a reduction to the grade of Airman (E-2), a punishment which was to be effective at that time. On or about 11 Feb 00, investigation disclosed at or near Altus AFB, Oklahoma, you failed to obey a lawful order given to you by your commander to wear the reduced grade of Airman (E-2). For this misconduct you received an LOR, dated 16 Feb 00.

c. On or about 3 Mar 98 to 26 Dec 99 you were derelict in the performance of your duties by willfully failing to pay your American Express Government Travel Card. Also on 21 Apr 99, you were demoted to the permanent grade of Airman First Class (E-3) at which time you failed to obey a lawful order by continuing to wear the rank of Senior Airman (E-4) from on or about 21 Apr 99 to 18 Jan 00. For these acts of misconduct you received an Article 15, dated 30 Jan 00.

d. On or about 11 Jan 00, you failed to complete file paperwork within a timely set time limit of 3 duty days as required (MGI 41-035). For this misconduct you were given a new duty hour schedule as a result of past duty performance and were given a memorandum for record documenting your new schedule and the verbal counseling you received on 11 Jan 00.

This action could result in your separation with a general or an under other than honorable discharge. I am recommending that you receive a general. 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 and any special pay, bonus, or education funds may be subject to recoupment.

- 3. 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.

4. You have been scheduled for a medical examination. You must report to the base hospital, physical exams, at 1300 on 23 Feb 00.

5. You have been scheduled for an initial separation briefing with MPF Separations. You must report to Bldg 52, at 1400 on 31 Mar 00.

6. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult ~~██████████~~ at Building 52 on 31 Mar 00 at 1300. 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 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 workdays, 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 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 the 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 the unit 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. The discharge board or, the discharge authority will make the finding and recommendations required under 10 U.S.C. § 2005(g).

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



Commander

Attachments:

1. LOR, dtd 14 Mar 00
2. LOR, dtd 16 Feb 00
3. Article 15, dtd 20 Jan 00
4. MFR, dtd 11 Jan 00
5. Non-Selectee/Withhold List, dated 30 Nov 99
6. Demotion Letter, dated 21 Apr 99