

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	
NAME OF COUNSEL AND OR ORGANIZATION		

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.09	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	

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 15 Jul 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

FD03-0096

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 does not contest his discharge. He states that his credit is now good; he's a homeowner, and well established in his career. He also states that he thought his discharge would be automatically upgraded after six months. The record indicates the applicant received three Article 15s, the first for using his government credit card for personal use, the second for failure to pay just debts and for writing bad checks, and the third for driving while drunk. He also received a Vacation action under the UCMJ for the drunk driving charge. 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 AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 30 May 97 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Jun 70. Enlmt Age: 19 10/12. Disch Age: 26 11/12. Educ: HS DIPL. AFQT: N/A. A-87, E-78, G-84, M-74. PAFSC: 3C031 - Communication-Computer Systems Operations Apprentice. DAS: 25 Jan 91.

b. Prior Sv: (1) AFRes 19 Apr 90 - 24 Jul 90 (3 months 6 days)(Inactive).

(2) Enlisted as AB 25 Jul 90 for 4 yrs. Extended 23 Oct 93 for 23 months. Svd: 3 yrs 11 months 26 days, all AMS. AMN - 25 Jan 91. A1C - 25 Nov 91. SRA - 25 Jul 93. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 22 Jul 94 for 6 yrs. Svd: 2 Yrs 10 Mo 8 Das, all AMS.

b. Grade Status: AB - 17 Apr 97 (Article 15, 17 Apr 97)
A1C - 18 Feb 97 (Vacation of Article 15, 17 Apr 97)

c. Time Lost: None.

d. Art 15's: (1) 17 Apr 97, Shaw AFB, SC - Article 111. You did, on or about 4 Apr 97, operate a vehicle, to wit: a passenger car, while drunk. Reduction to AB. (No appeal) (No mitigation)

(2) 17 Apr 97, Vacation, Shaw AFB, SC - Article 111. You, did, on or about 4 Apr 97, operate a vehicle, to wit: a passenger car, while drunk. Reduction to A1C. (No appeal) (No mitigation)

(3) 18 Feb 97, Shaw AFB, SC - Article 134. You, being indebted to ----- in the sum of \$978.34, which amount became due and payable on or about 30 Oct 96, did, from on or about 30 Oct 96 to on or about 10 Feb 97, dishonorably fail to pay said debt. You did, on divers occasions from on or about 6 Feb 96 to on or about 8 Jul 96, make and utter to the ----- certain checks in words and figures as follows, to wit: Check#1609, 6 Feb 96, in the amount of \$150.00; Check#1628, 9 Feb 96, in the amount of \$150.00; Check#1637, 14 Feb 96, in the

amount of \$150.00; Check#9999, 25 Apr 96, in the amount of \$130.00; Check#1671, 8 Jul 96, in the amount of \$150.00, for the purpose of obtaining United States currency, and did thereafter dishonorably fail to maintain sufficient funds in the ----- Credit Union for payment of such checks in full upon their presentment for payment. Suspended reduction to A1C, and 30 days extra duty. (No appeal) (No mitigation)

- (4) 27 Sep 94, Shaw AFB, SC - Article 92. You, who should have known of your duties, on divers occasions from on or about 28 Jun 94 to on or about 22 Jul 94, were derelict in the performance of those duties in that you by culpable inefficiency used your government ----- credit card for personal use. Suspended reduction to A1C. (No appeal) (No mitigation)

e. Additional: None.

f. CM: none.

g. Record of SV: 25 Mar 94 - 24 Mar 95 Shaw AFB 4 (Annual)
 25 Mar 95 - 24 Mar 96 Shaw AFB 5 (Annual)
 25 Mar 96 - 24 Mar 97 Shaw AFB 3 (Annual)

(Discharged from Shaw AFB)

h. Awards & Decs: AFLSAR, AFTR, SWASM 2/1 DEV, NDSM, NCOPMER, AFOUA W/2 DEVS, AFGCM.

i. Stmt of Sv: TMS: (7) Yrs (1) Mos (12) Das
 TAMS: (6) Yrs (10) Mos (6) Das

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

Issue 1: My discharge was characterized "General Under Honorable Conditions" due to financial misconduct. I am in very good credit standing, a home owner, and well established in my career now. I have grown past my "adolescence" in this area, and would like my military records to reflect that as well. I have been awarded the National Defense Medal with tours in the Middle East while serving my country, and would like to think since I have corrected my financial missteps that would be taken into consideration.

ATCH

1. Training Certificate.
2. Two Letters of Recommendation.

FD 2003 - 000 96



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

21 Apr 97

MEMORANDUM FOR AB [REDACTED]

FROM: 20 CS/CC
516 Sharp St
Shaw AFB SC 29152- 5037

SUBJECT: Notification Memorandum - Board Hearing

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct -- conduct prejudicial to good order and discipline, pursuant to AFDP 36-32 and AFI 36-3208, chapter 5, section H, 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 divers occasions from on or about 28 Jun 94 to on or about 22 Jul 94, you were derelict in the performance of your duties when you wrongfully used your government American Express card for unauthorized personal purposes. Based on your misconduct, you were administered Article 15 nonjudicial punishment action on 27 Sep 94.

b. From on or about 30 Oct 96 to on or about 10 Feb 97, you, being indebted to American Express in the amount of \$978.34, which amount became due and payable on or about 30 Oct 96, dishonorably failed to pay the said debt. Also, on divers occasions from on or about 6 Feb 96 to on or about 8 Jul 96, you made and uttered five checks totaling \$730.00 to the Army and Air Force Exchange Service (AAFES), and thereafter dishonorably failed to maintain sufficient funds in your account to cover said checks upon their presentment to your bank for payment. As a result of your misconduct, you received Article 15 nonjudicial punishment on 18 Feb 97.

c. On or about 4 Apr 97, you operated a passenger vehicle while drunk, for which your previously suspended Article 15 nonjudicial punishment was vacated on 17 Apr 97, and you were administered additional Article 15 nonjudicial punishment on 17 Apr 97.

3. This action could result in your separation with an honorable, general, or under other than honorable conditions (UOTHC) discharge. I am recommending that you receive a general discharge. The commander exercising special court-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.

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.

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- 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 medical examination. You must report to the Shaw AFB Hospital, Physical Examinations Section, at 1230 hours on 23 Apr 97 for the examination.
6. Military legal counsel, Capt [REDACTED] Area Defense Counsel, 668-2437, has been obtained to assist you. An appointment has been scheduled for you to consult him on 22 Apr 97, at 1000 hours, in building 1127. 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 seven 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 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. In accordance with AFI 36-3001, you must relinquish all identification cards within three duty days of receipt of this notification memorandum.
11. 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 if the reason is not 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.
12. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
Commander

Major, USAF

2 Attachments

1. Documents Supporting Reasons for Discharge
 - a. AF Form 3070, 27 Sep 94
 - b. SrA Cell's Memorandum, 20 Sep 94
 - c. AMEX Reports, Jul 94
 - d. AF Form 3070, 18 Feb 97
 - e. SrA Cell's Memorandum, undtd
 - f. AAFES Form 7200-75, 6 Mar 96
 - h. AAFES Form 7200-75, 29 May 96
 - i. AAFES Form 7200-75, 6 Aug 96
 - j. AMEX Reports, Jun 96 - Jan 97
 - k. AF Form 366, 17 Apr 97, w/1 Atch
 - l. AF Form 3070, 17 Apr 97
 - m. DD Form 1408, 4 Apr 97
 - n. Breath Alcohol Analysis Test Report, 4 Apr 97
 - o. AF Form 1168, 4 Apr 97 (AB Cell)
 - p. AF Form 1168, 4 Apr 97 (SSgt Blackmon)
 - q. DD Form 1920, 4 Apr 97
 - r. DD Form 629, 5 Apr 97
2. Airman's Receipt of Notification Memorandum