

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE [REDACTED]	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A92.35 A92.21		INDEX NUMBER A47.00		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		
HEARING DATE 23 Sep 2003		CASE NUMBER FD-2003-00192		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
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]			
INDORSEMENT						
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00192

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 the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had an Article 15, a vacation of suspended punishment, and two Letters of Reprimand. His misconduct included several instances of failure to pay just debts, writing bad checks, and being incapacitated for duty through prior over-indulgence of intoxicating liquor. These multiple infractions occurred over a 20-month period. At the time of the discharge, member consulted counsel and submitted a statement requesting he be given an honorable discharge. He also submitted six character statements. Applicant now contends his discharge was based on one isolated incident, and notes that after separation he paid off his debts. The Board noted member had had at least four separate opportunities to improve his behavior, and he was age 22 to 24 when his offenses occurred, the same age as other airmen who adhere to standards. He was counseled repeatedly in an effort to help him correct his deficiencies. In spite of those rehabilitative efforts, he was unwilling or unable to improve his behavior. The Board concluded applicant knew right from wrong and was responsible for his actions, and therefore was held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant cited his post-service conduct and good citizenship since discharge. However, this evidence is not relevant to the period of service under review and therefore, does not provide a basis for an upgrade. Although applicant has matured and his conduct may have improved, this alone is insufficient to overcome the factors that were the basis for 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

MISSING MEDICAL RECORDS

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 25 Apr 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Oct 69. Enlmt Age: 19 3/12. Disch Age: 24 6/12. Educ: HS DIPL. AFQT: N/A. A-60, E-61, G-66, M-40. PAFSC: 1C151 - Air Traffic Control Journeyman. DAS: 1 Feb 93.

b. Prior Sv: (1) AFRes 19 Jan 89 - 20 Jun 89 (5 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Jun 89 for 6 yrs. Svd: 4 Yrs 10 Mo 5 Das, all AMS.

b. Grade Status: A1C - 23 Mar 94 (Article 15, Vacation, 4 Apr 94)
SRA - 4 Dec 91

c. Time Lost: None.

d. Art 15's: (1) 04 Apr 94, Vacation, Castle AFB, CA - Article 134. You were, on or about 24 Mar 94, as a result of wrongful previous overindulgence in intoxicating liquor or drugs, incapacitated for the proper performance of your duties. Reduction to A1C. (No appeal) (No mitigation)

(2) 23 Mar 94, Castle AFB, CA - Article 123a. You did, on divers occasions between on or about 1 Feb 94 and on or about 1 Mar 94, with intent to defraud and for the procurement of lawful currency or things of value, wrongfully and unlawfully make and utter to Castle Air Force Base Exchange certain checks for the payment of money in the amount of \$350.00, more or less, to wit: Check #1026, dated 25 Feb 94, in the amount of \$150.00, Check #1030, dated 26 Feb 94, in the amount of \$50.00, Check #1033, dated 28 Feb 94, in the amount of \$150.00, drawn upon the Travis Federal Credit Union, made payable to the Castle AFB Exchange, and signed [REDACTED], then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with the said Travis Federal Credit Union for payment of said checks in full upon their presentment. Suspended reduction to A1C. Forfeiture of \$200 pay per month for 2 months, and 30 days correctional custody. (No appeal) (No mitigation)

e. Additional: LOR, 10 SEP 92 - Financial irresponsibility.
LOR, 18 AUG 92 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 21 Jun 89 - 20 Feb 91 RAF Alconbury 4 (Initial)
21 Feb 91 - 30 Aug 91 RAF Alconbury 3 (CRO)
31 Aug 91 - 30 Aug 92 RAF Alconbury 2 (Annual) REF
31 Aug 92 - 26 Sep 93 Castle AFB 5 (Annual)

(Discharged from Castle AFB)

h. Awards & Decs: AFOUA W/1 OLC, AFGCM, AFLSAR, AFOSLTR, NDSM, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (3) Mos (6) Das
TAMS: (4) Yrs (10) Mos (05) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Apr 02.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it focused on an isolated incident that occurred after four years and ten months of service. During my time of service I received a good conduct medal, an outstanding unit award, and a National defense service medal. I am also a veteran of Operation Desert Shield/Storm. It is unfair to discredit my service with a General discharge and a misconduct narrative.

Issue 2: After my discharge I immediately repaid all of the debts that subsequently led to the discharge.

Issue 3: Since my discharge I have led a full and productive life. I currently work for a government agency. I am father of three and happily married for the past eight years. I would like to be able to show my children my dd214 (sic) with pride and speak proudly of my service time.

ATCH

1. College Degree.
2. DD Form 214.

15JUL03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 93D BOMB WING (ACC)
CASTLE AIR FORCE BASE, CALIFORNIA

FD2003-00192

8 April 1994

MEMORANDUM FOR [REDACTED]

FROM: 93 OSS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically, Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. During the months of June, July, and August, 1992, you were irresponsible in the management of your finances, in that you failed to make payments to the NCO club and AFEES in a timely manner. For each failure to pay timely on your accounts, you received a Letter of Reprimand (LOR) and an Unfavorable Information File (UIF) was established on you (see Tab NL1a).

b. On 25 March 1993, you wrote a check to the Castle AFB Exchange in the amount of \$100.00 which was returned due to insufficient funds. For this you were verbally counseled (see Tab NL1b).

c. On divers occasions between 1 February 1994 and 1 March 1994, you wrote three checks to the Castle AFB Exchange totaling \$350.00 which were returned due to insufficient funds. For this you received an Article 15 with the following punishment: reduction in grade from SrA to A1C (suspended for 6 months), forfeiture of \$200 pay per month for two months, and 30 days correctional custody (see Tab NL1c).

d. On 24 March 1994, you were, as a result of wrongful previous overindulgence in intoxicating liquor, incapacitated for the proper performance of your duties. For this, the suspended reduction you received as a result of your Article 15 (see paragraph c above) was vacated and you were reduced in grade from SrA to A1C (see Tab NL1d).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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.

Global Power for America

4. 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 Captain Thompson at Bldg 265 on 8 April 1994 at 1030 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 13 April 1994 unless you request and receive an extension for good cause shown. I will forward the statements to the separation authority.
6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to the 93d Medical Group Laboratory at 0700 hours on 13 April 1994 for the examination.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in your unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.


Commander, 93 OSS

2 Atchs

- NL1. Supporting Documents
 - NL1a. LOR, dtd 18 Aug 92; LOR, dtd 10 Sep 92; UIF Action, dtd 25 Sep 92
 - NL1b. Dishonored Check Notification, dtd 8 Apr 93
 - NL1c. Article 15, dtd 23 Mar 94 w/atchs
 - NL1d. Vacation of Article 15, dtd 4 Apr 94 w/atchs
- NL2. Airman's Acknowledgment