

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>A1C</b>	AFSN/SSAN <b>[REDACTED]</b>				
TYPE	PERSONAL APPEARANCE		<b>X</b> RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	<b>X</b>						
MEMBERS SITTING			VOTE OF THE BOARD				
<b>[REDACTED]</b>			HON	GEN	UOTHC	OTHER	DENY
							<b>X</b>
							<b>X</b>
							<b>X</b>
							<b>X</b>
ISSUES <b>A01.00;A95.00</b>		INDEX NUMBER <b>A67.10</b>		EXHIBITS SUBMITTED TO THE BOARD			
				<b>1</b>	ORDER APPOINTING THE BOARD		
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE		
				<b>3</b>	LETTER OF NOTIFICATION		
				<b>4</b>	BRIEF OF PERSONNEL FILE		
					COUNSEL'S RELEASE TO THE BOARD		
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
HEARING DATE <b>18 Jul 03</b>		CASE NUMBER <b>FD2003-00244</b>		TAPE RECORDING OF PERSONAL APPEARANCE HEARING			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.							
REMARKS <b>Case heard at Washington, D.C.</b>							
<p><b>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.</b></p>							
SIGNATURE OF RECORDER <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>				
INDORSEMENT				DATE: <b>18 JUL 03</b>			
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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00244

**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 the 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 Board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the board was able to identify none. The records indicated the applicant received one Article 15, nine Letters of Reprimand, and one Letter of Counseling for misconduct. The misconduct included failure to obey a lawful order, late for work, financial irresponsibility, and dereliction of duty. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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.

**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, 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

[REDACTED]  
[REDACTED]  
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 AUG 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 5 Dec 78. Enlmt Age: 19 6/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-58, E-75, G-55, M-83. PAFSC: 2W031 - Munitions Systems. DAS: 10 Apr 00.

b. Prior Sv: (1) Enlisted ANG as A1C 29 Jun 98 for 6 yrs. Svd: 1 yr 9 months 11 days, of which AMS is 3 months 16 days. (No performance data in file)

3. **SERVICE UNDER REVIEW:**

a. Enlisted USAF as A1C 10 Apr 00 for 6 yrs. Svd: 1 Yrs 4 Mo 6 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 2 Jul 01, Langley AFB, VA - Article 92. You, having knowledge of a lawful order issued by 1Lt [REDACTED] to wit: an order to pay at least \$100.00 to Bank of America by the 15<sup>th</sup> of each month until your Government visa account was paid in full, dated 31 May 01, an order which it was your duty to obey, did, in or near the Commonwealth of Virginia, on or about 15 Jun 01, fail to obey the same by failing to make a payment of at least \$100.00 to Bank of America. Suspended reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 26 JUL 01 - Late for work.  
LOR, 23 JUL 01 - Late for work.  
LOR, 23 JUL 01 - Financial irresponsibility.  
LOR, 18 MAY 01 - Dereliction of duty.  
LOR, 09 APR 01 - Late for work.  
LOR, 09 APR 01 - Financial irresponsibility.  
LOR, 26 JAN 01 - Late for work.  
Traffic Ticket, 16 JAN 01 - Failure to stop and causing an accident.  
LOR, 12 DEC 00 - Late for work.  
LOR, 05 DEC 00 - Financial irresponsibility.

LOC, 13 SEP 00 - Misuse of government credit card.

f. CM: None.

g. Record of SV: 10 Apr 00 - 14 May 01 Langley AFB 2 (CRO)REF

(Discharged from Langley AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (1) Mos (19) Das  
TAMS: (1) Yrs (7) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 May 03.

(Change Discharge to Honorable, Change RE Code, Reason and Authority for Discharge)

Issue 1: Request for upgrade or change of reinlistment (sic) code from 2b to an eligible (sic) code for reinlistment (sic) to the Air Force, or other armed forces.

Issue 2: Request for reinlistment (sic) to the USAF, effective ASAP, at the same rank & pay grade which is equivalent to that which was held when I received discharge from USAF.

**ATCH**  
None.

19JUN03/ia



FD 2003-00244

**DEPARTMENT OF THE AIR FORCE**  
HEADQUARTERS 1ST FIGHTER WING  
LANGLEY AIR FORCE BASE VA

AUG 06 2001

MEMORANDUM FOR A1C [REDACTED]

FROM: 1 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If your discharge is approved, your service will be characterized as under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 27 Aug 00 and on or about 28 Aug 00, you misused your government travel card by using it to withdraw money from Langley Federal Credit Union and to purchase gasoline from Citgo and Exxon. For this misconduct, you received a Letter of Counseling (LOC) on 13 Sep 00.

b. On or about 5 Dec 00, you failed to pay Bank of America for your Government Travel Card bill totaling \$769.23. On 11 Feb 00, you signed a policy letter acknowledging the requirements of the government travel card. For this misconduct, you a Letter of Reprimand (LOR) on 5 Dec 00. Additionally, this LOR was used to establish an Unfavorable Information File (UIF).

c. On or about 11 Dec 00, you failed to report at the prescribed time to your appointed place of duty. By the time you notified your duty section that you would be late, you were already an hour late. You finally arrived to your duty section an hour and a half late. For this misconduct, you received an LOR on 12 Dec 00. Additionally, this LOR was placed in your UIF.

d. On or about 16 Jan 01, you failed to stop, which caused an accident resulting in injuries. For this misconduct, you received an Armed Forces Traffic Ticket. Additionally, you were verbally reprimanded for this incident.

e. On or about 26 Jan 01, you failed to report at the prescribed time to your appointed place of duty. You did not notify your duty section that you would be late in a sufficient amount of time, ultimately arriving an hour and a half late for work. For this misconduct, you received an LOR on 26 Jan 01. Additionally, this LOR was placed in your UIF and you were placed on a Control Roster.

f. On or about 12 Mar 01, you failed to make payment to Harmon's Body Shop for repairs to your car. You issued a worthless check of a value of \$200.00. You also neglected to pay your total bill of \$338.68 after informing SSgt [REDACTED] that you would pay this bill on 6 Apr 01. As of 9 Apr 01, you still did not pay the bill. For this misconduct, you received an LOR on 9 Apr 01.

g. On or about 9 Apr 01, you failed to report at the time prescribed to your appointed place of duty. For this misconduct, you received an LOR on 9 Apr 01.

h. On or about 17 May 01, you were derelict in your assigned duties in that you failed to perform and end of day inventory on the Composite Tool Kit assigned to your crew as directed by SrA [REDACTED]. For this misconduct, you received an LOR on 18 May 01.

i. On or about 15 Jun 01, you failed to obey a lawful order to pay Bank of America at least \$100.00 on the 15<sup>th</sup> of each month towards your government travel card account balance. For this misconduct, you received an Article 15 on 2 Jul 01, which consisted of a suspended reduction to the grade of Airman and 30 days extra duty.

j. On or about 1 Jun 01, you issued a worthless check to [REDACTED] in the amount of \$50.00. Additionally, on 29 Jun 01, you failed to make a payment in the amount of \$211.24 on a loan you acquired from the Military Financial Network, Inc. For this misconduct, you received an LOR on 23 Jul 01.

k. On or about 23 July 01, you failed to report at your prescribed time to your appointed place of duty. For this misconduct, you received an LOR on 23 Jul 01.

l. On or about 25 Jul 01, you failed to report at your prescribed time to your appointed place of duty. For this misconduct, you received an LOR on 26 Jul 01.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 [REDACTED], Area Defense Counsel, 54 Willow Street, Bldg. 147, Ext. 5607 at 1430 hours on 6 Aug 2001. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1300 hours on 9 Aug 2001 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements in 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 1st Medical Group, Physical Exam Section at 0930 hours on 8 Aug 2001 and an additional examination will be scheduled if necessary.

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



Lt Col, USAF

Commander, 1st Equipment Maintenance Squadron

Attachments:

1. Supporting Documents

- a. LOC, 13 Sep 00
- b. LOR/UIF, 5 Dec 00
- c. LOR/UIF, 12 Dec 00
- d. Armed Forces Traffic Ticket, 16 Jan 01
- e. LOR/UIF/CR, 26 Jan 01
- f. LOR, 9 Apr 01
- g. LOR, 9 Apr 01
- h. LOR, 18 May 01
- i. Article 15, 2 Jul 01
- j. LOR, 23 Jul 01
- k. LOR, 23 Jul 01
- l. LOR, 26 Jul 01

2. Receipt of Notification Memorandum

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TYPE	PERSONAL APPEARANCE		<b>X</b> RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	<b>X</b>						
MEMBERS SITTING			VOTE OF THE BOARD				
			HON	GEN	UO/THC	OTHER	DENY
							<b>X</b>
							<b>X</b>
							<b>X</b>
							<b>X</b>
ISSUES <b>A01.00;A95.00</b>		INDEX NUMBER <b>A67.10</b>		EXHIBITS SUBMITTED TO THE BOARD			
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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 <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>18 JUL 03</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**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, which would justify a change of discharge.

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**ISSUE.** The Board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the board was able to identify none. The records indicated the applicant received one Article 15, nine Letters of Reprimand, and one Letter of Counseling for misconduct. The misconduct included failure to obey a lawful order, late for work, financial irresponsibility, and dereliction of duty. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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.

**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.

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[REDACTED]  
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3. **SERVICE UNDER REVIEW:**

a. Enlisted USAF as A1C 10 Apr 00 for 6 yrs. Svd: 1 Yrs 4 Mo 6 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 2 Jul 01, Langley AFB, VA - Article 92. You, having knowledge of a lawful order issued by 1Lt [REDACTED] to wit: an order to pay at least \$100.00 to Bank of America by the 15<sup>th</sup> of each month until your Government visa account was paid in full, dated 31 May 01, an order which it was your duty to obey, did, in or near the Commonwealth of Virginia, on or about 15 Jun 01, fail to obey the same by failing to make a payment of at least \$100.00 to Bank of America. Suspended reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

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**ATCH**  
None.

19JUN03/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 1ST FIGHTER WING  
LANGLEY AIR FORCE BASE VA

AUG 06 2001

MEMORANDUM FOR A1C [REDACTED]

FROM: 1 EMS/CC

SUBJECT: Notification Memorandum

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3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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Lt Col, USAF

Commander, 1st Equipment Maintenance Squadron

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