

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE AB <div style="background-color: black; width: 100%; height: 1.2em;"></div>	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW	
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
NAME OF COUNSEL AND OR ORGANIZATION			
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="background-color: black; width: 100%; height: 1.2em;"></div>					X
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ISSUES	A94.05	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	
HEARING DATE		CASE NUMBER		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
23 Sep 2003		FD-2003-00315		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 <div style="background-color: black; width: 100%; height: 1.2em;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.2em;"></div>
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INDORSEMENT	DATE: 09/30/2003
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00315

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 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.

ISSUE: Applicant does not contest the discharge. He is asking that his discharge be changed to Honorable because he is trying to better his life. He also wants to receive the G.I. Bill. The records indicated the applicant received an Article 15 for being disorderly and an Article 15 for writing bad checks. He also received a Letter of Reprimand for assault and two Letters of Counseling for financial irresponsibility. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade.

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

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

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 5 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: 19 Mar 73. Enlmt Age: 21 4/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-72, E-49, G-52, M-44. PAFSC: 3P031 - Security Police Apprentice. DAS: 23 Jun 95.

b. Prior Sv: (1) AFRes 26 Jul 94 - 24 Jan 95 (5 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 25 Jan 95 for 4 yrs. Svd: 2 Yrs 3 Mo 11 Das, all AMS.

b. Grade Status: AB - 23 Apr 97 (Article 15, 23 Apr 97)
AMN - 8 Aug 96 (Article 15, 8 Aug 96)

c. Time Lost: None.

d. Art 15's: (1) 23 Apr 97, F.E. Warren AFB, WY - Article 134. You were, on or about 22 Mar 97, disorderly. Reduction to Airman Basic. (No appeal) (No mitigation)

(2) 8 Aug 96, F.E. Warren AFB, WY - Article 123a & 134. You did, between on or about 20 Mar 96 and on or about 23 Mar 96, with intent to defraud and for the procurement of lawful currency and things of value, wrongfully and unlawfully make and utter certain drafts for the payment of money in the amounts of \$25.00(#132), dated 20 Mar 96, \$34.17(#133), dated 20 Mar 96, \$25.00(#134), dated 22 Mar 96, \$41.89(#135), dated 22 Mar 96, \$25.00(#137), dated 22 Mar 96, \$25.00(#138), dated 23 Mar 96, and \$30.00(#139), dated 23 Mar 96, drawn upon the Warren Federal Credit Union, made payable to the order of [REDACTED] and signed [REDACTED], then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with the said credit union for the payment of said drafts in full upon their presentment.

You did, on or about 23 Mar 96, with intent to defraud and for the procurement of lawful currency, wrongfully

and unlawfully make and utter a certain draft for the payment of money in the amount of \$20.00(#140), dated 23 Mar 96, drawn upon the [REDACTED] Union, made payable to the order of County Market, and signed [REDACTED], then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with the said credit union for the payment of said draft in full upon its presentment.

You did, on or about 23 Apr 96, with intent to defraud and for the procurement of lawful currency and things of value, wrongfully and unlawfully make and utter certain drafts for the payment of money in the amounts of \$20.00(#176), dated 23 April 96, and \$26.41 (#177), dated 23 Apr 96, drawn upon the [REDACTED] Union, made payable to the order of Albersons, and signed [REDACTED], then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with the said credit union for the payment of said drafts in full upon its presentment.

You did, between on or about 12 Mar 96 and on or about 13 Mar 96, make and utter to Mini-Mart, certain drafts in the amounts of \$21.23(#125), dated 12 Mar 96, and \$13.87(#128), dated 13 Mar 96, drawn upon the [REDACTED] Union, made payable to the order of Mini-Mart, and signed [REDACTED] for the purpose of obtaining things of value, and did thereafter dishonorably fail to maintain sufficient funds in said credit union for the payment of said drafts in full upon their presentment.

You did, between on or about 21 Feb 96 and on or about 25 Feb 96, make and utter to the F.E. Warren AFB Exchange, certain drafts in the amounts of \$150.00(#241), dated 21 Feb 96, \$80.00(#245), dated 23 Feb 96, and \$150.00(#246), dated 25 Feb 96, drawn upon the [REDACTED] Union, made payable to the order of F.E. Warren AFB Exchange, and signed [REDACTED] for the purpose of obtaining lawful currency, and did thereafter dishonorably fail to maintain sufficient funds in said credit union for the payment of said drafts in full upon their presentment. Reduction to AB (reduction exceeding airman suspended), and 60 days restriction. (No appeal) (No mitigation)

- e. Additional: LOR, 17 MAR 97 - Assault.
 LOR, 02 MAY 96 - Financial irresponsibility.
 RIC, 24 APR 96 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 25 Jan 95 - 15 Jul 96 F.E. Warren AFB 4 (HAF Dir)

(Discharged from F.E. Warren AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (10) Das
TAMS: (2) Yrs (3) Mos (11) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 14 Jun 03.
(Change Discharge to Honorable)

Issue 1: I understand that my discharge was the fault of my action. I am asking that this discharge be changed to Honorable, because I am trying to better my life and my family well being. I have a wife and three kids that I have the responsibility of providing for. I am asking for my discharge to be upgraded so I can receive my Montgomery G.I. Bill money so that I can complete my hours in College to obtain my teaching degree in Biology. Please consider my life and well-being in your decision.

ATCH

None.

7AUG03/ia



DEPARTMENT OF THE AIR FORCE

90TH MISSILE WING (AFSPC)



28 APR 1997

MEMORANDUM FOR [REDACTED]

FROM: 320 MS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You were, at or near Francis E. Warren Air Force Base, Wyoming, on or about 22 Mar 97, disorderly. For this conduct, you received Article 15 on 23 Apr 97 and it was placed in your existing Unfavorable Information File (UIF).

b. You did, at Francis E. Warren Air Force Base, Wyoming, Trail's End consolidated club, on or about 17 Feb 97, physically assault another airman. You received a Letter of Reprimand (LOR) on 17 Mar 97 and it was placed in your existing UIF.

c. You did, at or near Cheyenne, Wyoming, between on or about 21 Feb 96 and on or about 23 Apr 96, with intent to defraud and for the procurement of lawful currency and things of value, wrongfully and unlawfully make and utter 15 drafts for the payment of money in the total amount of \$687.57, drawn upon the Warren Federal Credit Union. These drafts were made payable to the order of Buttery, County Market, Albertsons, Mini-Mart, and Francis E. Warren Air Force Base Exchange and signed [REDACTED]. At the time you wrote these drafts you knew that you, the maker thereof, did not or would not have sufficient funds in or credit with the said credit union for the payment of said drafts in full upon their presentment. For this conduct, you received Article 15 on 8 Aug 96 and had a UIF established on 29 Aug 96.

d. You, at or near Cheyenne, Wyoming, on or about 28 Feb 96, failed to comply with USAF personal responsibility standards by failing to repay [REDACTED] \$170.00 and \$280.00. You also failed to repay \$155.00 to the BX for three checks that you wrote that did not clear, failed to make payment of \$150.00 to Advance Cash Services, were 60 days in arrears to the BX for DPP/UCDPP in the amount of \$90.00, and were in arrears to the enlisted club for \$30.00. For this conduct, you received a Letter of Reprimand on 2 May 96.

e. You were, at or near Francis E. Warren Air Force Base, Wyoming, on or about 24 Apr 96, counseled on the mismanagement of your financial obligations for writing three bad checks at the BX and owing the BX \$155.00, and for writing one bad check to [REDACTED] and owing \$170.00 to [REDACTED]. You were also counseled for being three months late on your car payment and for being late on your payment to American General. You received an AF Form 174, Record of Individual Counseling, on 24 Apr 96.

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

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 [REDACTED] of the Area Defense Counsel's Office, Bldg. 292, ext. 3248, on _____ at _____. You may consult civilian counsel at your own expense.

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification memorandum, that date being 01 MAY 1997, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

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. 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.

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

[REDACTED]
[REDACTED]
Commander

Attachments:

1. AF Form 3070 w/Atchs, dated 23 Apr 97
2. AF Form 1058 w/Atch, dated 17 Mar 97
3. AF Form 3070 w/Atchs, dated 8 Aug 96
3. LOR, dated 2 May 96
4. AF Form 174, 24 Apr 96