

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> AIC	<b>AFSN/SSAN</b> [REDACTED]			
<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>				
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
<b>ISSUES</b> A93.11	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
		<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			
<b>HEARING DATE</b> 08 Oct 2003	<b>CASE NUMBER</b> FD-2003-00323		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						
<p>Case heard at Washington, D.C.</p> <p>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</p>						
<b>SIGNATURE OF RECORDER</b> [REDACTED]			<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]			
<b>INDORSEMENT</b>			<b>DATE: 10/8/2003</b>			
<b>TO:</b> SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00323

**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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for minor disciplinary infractions. He had an Article 15, vacation of suspended punishment, and an Unfavorable Information File. His misconduct included misuse of his government travel card, writing a bad check to pay the resultant debt, failing to bring required documents to a scheduled financial counseling appointment, and misappropriating a sum of money from a civilian business. Member also had two Enlisted Performance Reports, the last of which was rated an overall referral "2." It referenced a Letter of Admonishment and several counseling sessions by member's supervisor and the First Sergeant for disobeying lawful orders, providing half truths, and being of questionable integrity. It also noted chronic financial problems led to the misuse of the government travel card, and continued bad judgment led to the vacation action. At the time of the discharge, member waived his right to consult counsel and to submit statements in his own behalf. The Board noted member was given several opportunities to correct his behavior but was either unwilling or unable to do so. Member was age 21 when his misconduct occurred, the same age as other airmen who honorably complete their service without misconduct. There was no evidence he was immature, or didn't know right from wrong. The Board determined member was responsible for his actions and was held accountable for them. The Board did not find an 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 5 Dec 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Apr 81. Enlmt Age: 17 3/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-87, E-39, G-50, M-11. PAFSC: 4A051 - Health Service Management Journeyman. DAS: 6 Dec 99.

b. Prior Sv: (1) AFRes 30 Jul 98 - 22 Jun 99 (10 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Jun 98 for 6 yrs. Svd: 3 Yrs 5 Mo 13 Das, all AMS.

b. Grade Status: A1C - 9 Jul 02 (Vacation of Article 15, 10 Oct 02)  
SRA - 21 Nov 01  
A1C - 21 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 10 Oct 02, Vacation, Lackland AFB, TX - Article 92. You, who knew of your duties, on or about 3 Sep 02, were derelict in the performance of your duties in that you willfully failed to bring financial documents to a scheduled financial counseling appointment, as it was your duty to do. Article 121. You, did, on or about 16 May 02, wrongfully appropriate money, of a value of about \$188.50, the property of OtisSpunkmeyer, Inc. Reduction to A1C. (No appeal) (No mitigation)

(2) 9 Jul 02, Lackland AFB, TX - Article 92, You, who knew of your duties, from 6 Nov 01 to about 15 Apr 02, were derelict in the performance of your duties in that you willfully failed to refrain from using your [REDACTED] Government Charge Card for other than official travel, as it was your duty to do. Article 134. You, did, on or about 24 Jan 02, make and utter to [REDACTED] a certain check, in words or figures as follows, to wit: \$594.14, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Lackland Federal Credit Union for payment of such check in full upon its presentment for payment.

You, did, on or about 1 Mar 02, make and utter to [REDACTED] a certain check, in words and figures as follows, to wit: \$529.84, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the [REDACTED] Federal Credit Union for payment of such check in full upon its presentment for payment. Suspended reduction to A1C. Suspended forfeiture of \$692.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: Examiner's Note: There doesn't appear to be any EPR covering the period from 23 Jun 99 through 15 Jan 01.

16 Jan 01 - 15 Jan 02	Lackland AFB	5	(Annual)
15 Jan 02 - 30 Oct 02	Lackland AFB	2	(CRO)REF

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (4) Yrs (4) Mos (6) Das  
TAMS: (3) Yrs (5) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Jul 03.  
(Change Discharge to Honorable)

Chronic financial hardship during the year of 2002.

**ATCH**

1. Personal Resume.
2. Enlisted Performance Report.
3. AF Form 899.
4. DD Form 214.

15AUG03/ia



DEPARTMENT OF THE AIR FORCE  
WILFORD HALL MEDICAL CENTER (AETC)  
LACKLAND AFB TEXAS

FD2003-00323

12 NOV 02

MEMORANDUM FOR A1C [REDACTED]

FROM: 859 SOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable, Under Honorable Conditions (General) or Under other Than Honorable Conditions (UOTHC). I am recommending your service be characterized as General.

2. My reasons for this action are:

a. From about 6 Nov 01 to 15 Apr 02, you were derelict in the performance of your duties by willfully using your [REDACTED] government charge card for other than official travel, in violation of Article 92, Uniform Code of Military Justice, UCMJ. On or about 24 January 02, you made a check to [REDACTED] in the amount of \$594.14 and dishonorably failed to maintain sufficient funds in the [REDACTED] Federal Credit Union for payment of the check upon its presentation, in violation of Article 134, UCMJ. On or about 1 Mar 02, you made a check to [REDACTED] in the amount of \$529.84 and dishonorably failed to maintain sufficient funds in the [REDACTED] Federal Credit Union for payment of the check upon its presentation, in violation of Article 134, UCMJ. As a result, you received an Article 15 dated 9 Jul 02. Your punishment was a suspended reduction to the grade of A1C (E-3), a suspended forfeiture of \$692.00 pay for two months, and a Reprimand. A copy of the Article 15 was filed in your Unfavorable Information File (UIF).

b. On 3 Sep 02, you were derelict in the performance of your duties by failing to bring financial documents to your scheduled financial counseling appointment, in violation of Article 92, UCMJ. On 16 May 02, you wrongfully appropriated money of a value of about \$188.50, the property of Off. Spachner Inc., in violation of Article 121, UCMJ. As a result, your suspended reduction to the grade of A1C (E-3) was vacated on 21 Oct 02.

3. Copies of the document to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force. 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.

4. Military legal counsel has been obtained for you. I have made an appointment for you to consult The Area Defense Counsel at building number 1000, on 11 Nov 02 at 1300 hours.

Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is 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.

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 (allow 3 workdays) 15 Nov 02 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 statement 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 Wilford Hall Medical Center, Family Medical Clinic on 18 Nov 02 at 1325 hours, with your medical, immunization, and dental records for the examination.

8. You have been scheduled for a Transition Assistance Program (TAP) briefing. You must report to the Family Support Center, Bldg 1249, 1561 Stewart Street, on 17 Nov 02 at 1500 hours for an appointment with Ms Sue [REDACTED].

9. 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 at the Commander's Support Staff.

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



Colonel, USAF

Commander

Attachments:

1. AF Form 3070 dated 9 Jul 02
2. AF Form 506 dated 21 Oct 02