

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		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
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES A94.05		INDEX NUMBER A67.30		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 12 Nov 2003		CASE NUMBER FD-2003-00326		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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>						
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF PRESIDENT [REDACTED]			
INDORSEMENT				DATE: 11/13/2003		
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

FD-2003-00326

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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s for dishonorably failing to pay just debts and steal, by receiving Basic Allowance for Subsistence while not entitled to such allowance, and for making a false claim. Additionally, he received seven Letters of Reprimand and four Records of Individual Counseling for failure to obey an order, financial irresponsibility, being late for work, inadequate duty performance, and failure to meet weight loss standards. During a previous enlistment, he also received an Article 15 for writing bad checks. 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 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 AMN) (HGH SSGT)

1. MATTER UNDER REVIEW: Appl rec'd a UOTH Disch fr USAF 14 Mar 90 UP AFR 39-10, para 5-49d (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 28 Oct 55. Enlmt Age: 19 1/12. Disch Age: 34 4/12. Educ: HS DIPL. AFQT: N/A. A-5, E-11, G-22, M-32. PAFSC: 70250 - Administrative Specialist. DAS: 13 Jan 89.

b. Prior Sv: (1) AFRes 17 Dec 74 - 9 Jun 75 (5 months 24 days) (Inactive).

(2) Enlisted as Amn 10 Jun 75 for 4 yrs. Extended 27 Jun 78 for 12 months. Reenlisted as Sgt 23 Mar 79 for 4 yrs. Extended 7 Nov 80 for 9 months. Reenlisted as SSgt 17 May 83 for 4 yrs. Extended 21 Feb 86 for 2 months. Svd: 10 yrs 11 months 8 days, all AMS. A1C-(APR Indicates): 10 Jun 75-10 Feb 76. SrA-(APR Indicates): 1 May 78-6 Oct 78. Sgt - 1 Nov 78. SSgt - 1 Oct 81. APRs: 7,9,7,8,9,9,9,8,8,8,8,8,7,8,9,8,9,7,8.

ART 15: (1) 27 Jul 84, Zaragoza AB, Spain - Article 134. You did, on or about 17 Apr 84, make and utter to the Disbursing Officer, Zaragoza AB, Spain, a check in the amount of \$135.00, dated 17 Apr 84, drawn upon the Pentagon Federal Credit Union, made payable to the order of Disbursing Officer, APO 09286, and signed [REDACTED] for the purpose of receiving cash in exchange, and did thereafter dishonorably fail to maintain sufficient funds in said credit union for payment of said check in full upon its presentment for payment.

You did, on or about 20 Apr 84, make and utter to the Disbursing Officer, Zaragoza AB, Spain, a check in the amount of \$200.00, dated 20 Apr 84, drawn upon the Pentagon Federal Credit Union, made payable to the order of Disbursing Officer, APO 09286, and signed [REDACTED], for the purpose of receiving cash in exchange, and did thereafter dishonorably fail to maintain sufficient funds in said credit union for payment of said check in full upon its presentment for payment.

You did, on or about 10 May 84, make and utter to the Disbursing Officer, Zaragoza AB, Spain, a check in the amount of \$60.00, dated 10 May 84, drawn upon the Pentagon Federal Credit Union, made payable to the order of Disbursing Officer, APO 09286, and signed [REDACTED] for

the purpose of receiving cash in exchange, and did thereafter dishonorably fail to maintain sufficient funds in said credit union for payment of said check in full upon its presentment for payment.

You did, on or about 16 May 84, make and utter to the Disbursing Officer, Zaragoza AB, Spain, a check in the amount of \$80.00, dated 16 May 84, drawn upon the Pentagon Federal Credit Union, made payable to the order of Disbursing Officer, APO 09286, and signed [REDACTED], for the purpose of receiving cash in exchange, and did thereafter dishonorably fail to maintain sufficient funds in said credit union for payment of said check in full upon its presentment for payment. Suspended reduction to Sgt, (No appeal) (No mitigation)

3. SERVICE UNDER REVIEW:

- a. Reenlisted as SSgt 19 May 86 for 6 yrs. Svd: 3 Yrs 9 Mo 23 Das, all AMS.
- b. Grade Status: AMN - 5 Feb 90 (Article 15, 5 Feb 90)
SrA - 5 Jun 89 (NCO Status vacated)
Sgt - 6 Jun 89 (Article 15, 6 Jun 89)
- c. Time Lost: None.
- d. Art 15's: (1) 5 Feb 90, Fairchild AFB, WA - Article 107. You did, on or about 13 Jan 89 and 17 Aug 89, steal by receiving Basic Allowance for Subsistence while not entitled to such allowance, legal tender of a value in excess of \$1000.00, the property of the United States Government. Article 132. You did, on or about 19 Jan 89, with intent to deceive, sign an official statement; to wit: a certification that you were residing with your dependents and that your spouse traveled noncurrently to this base, which statements were totally false, and were then known by you to be so false. Article 121. You did, on or about 19 Jan 89, by presenting travel voucher to a finance officer of the United States duly authorized to approve and pay such claim, present for approval and payment a claim against the finance officer, in the amount of \$404.58 for dislocation allowance and travel of a dependent from Seattle, WA to Spokane, WA, which claim was false and fraudulent in the approximate amount of \$404.58, and was then known by you to be false and fraudulent. Reduction to Airman, and forfeiture of \$405.00 pay per month for one month. (No appeal) (No mitigation)
- (2) 6 Jun 89, Fairchild AFB, WA - Article 134. You, being

indebted to the Pentagon Federal Credit Union in the sum of \$276.77 for a vehicle loan, which amount became due and payable on 5 Dec 88, did, in Spokane County, Washington, from 5 Dec 88, to 23 May 89, dishonorably fail to pay said debt. In addition, a like amount became due and payable on the fifth of each month thereafter and you dishonorably failed to pay said debt. Reduction to Sgt. (Appeal/Denied) (No mitigation)

- e. Additional: LOR, 13 OCT 89 - Failure to meet weight loss standards.
 LOR, 17 AUG 89 - Failure to meet weight loss standards.
 RIC, 28 JUL 89 - Failure to meet weight loss standards.
 LOR, 26 MAY 89 - Late for work.
 RIC, 05 MAY 89 - Inadequate duty performance.
 LOR, 03 MAY 89 - Financial irresponsibility.
 Traffic Ticket, 2 MAY 89 - Illegal parking.
 LOR, 25 APR 89 - Financial irresponsibility.
 RIC, 14 APR 89 - Late for work.
 RIC, 07 FEB 89 - Financial irresponsibility.
 LOR, 07 FEB 89 - Financial irresponsibility.
 LOR, 19 JUL 88 - Failure to obey an order.

f. CM: None.

- g. Record of SV: 17 May 86 - 16 May 87 Keflavik NYI 9 (Annual)
 17 May 87 - 29 May 88 Lajes Field 7 (Annual)
 30 May 88 - 30 Oct 88 Lajes Field 7 (CRO)
 31 Oct 88 - 30 Oct 89 Fairchild AFB 2 (Annual)REF

(Discharged from Fairchild AFB)

h. Awards & Decs: AFGCM W/2 OLCS, AFOSSTR W/2 OLCS, AFOSLTR, AFLSAR W/2 OLCS, NCOPMER, AFTR.

- i. Stmt of Sv: TMS: (15) Yrs (2) Mos (26) Das
 TAMS: (14) Yrs (9) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Jun 03.
 (Change Discharge to Honorable)

Issue 1: The debt was incurred by my wife, at the time of discharge. I am no longer married to her. At the time of the incident, she and I were in the process of getting a divorce. She incurred a large debt solely because she intended to do the most damage, as she possibly (sic) could, to my career.

ATCH

1. DD Form 214.

19AUG03/ia



DEPARTMENT OF THE AIR FORCE
92D FIELD MAINTENANCE SQUADRON (SAC)
FAIRCHILD AIR FORCE BASE, WASHINGTON 99011-5000



09 FEB 1990

REPLY TO: CC
ATTN. OF:

SUBJECT: Notification Letter - Board Hearing

TO: [REDACTED] 02 FMS

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense according to AFR 39-10, under the provisions of paragraph 5-49d. 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 or about 19 Jan 89, you did, with the intent to deceive, sign an official certification document with statements that were totally false, and were then known by you to be false. Also on or about 19 Jan 89, you did file a false and fraudulent travel Voucher in the amount of \$404.58, and was then known by you to be false and fraudulent. On or about 13 Jan 89 and 17 Aug 89 you did knowingly steal \$1,000.00 from the United States Government by receiving Basic Allowance for Subsistence while not entitled to such allowance. For these serious acts of misconduct, you received an Article 15 dated 5 Feb 90, an Unfavorable Information File Entry, and reduction to the grade of Airman (Atch 1a).
 - b. On or about 15 Jun 89, you did fail to complete your financial responsibilities and comply with basic NCO responsibilities. As a result, your NCO status was vacated on 15 Jun 89 and you were reduced from the rank of Sgt to SrA (Atch 1b).
 - c. From on or about 5 Dec 88 to on or about 23 May 89, you did fail to pay your just debts, to wit: indebted to the Pentagon Federal Credit Union in the sum of \$276.77 which became due and payable to 5 Dec 88. In addition, a like amount became due and payable on the fifth of each month thereafter and you dishonorably failed to pay said debt. For these serious acts of misconduct, you received an Article 15 dated 15 Jun 89, an Unfavorable Information File Entry, and reduction to the rank of Sgt (Atch 1c).
 - d. On or about 26 May 89, you did violate Article 86 of the Uniform Code of Military Justice, to wit: reported late to work. For this misconduct, you received a Letter of Reprimand (Atch 1d).
 - e. On or about 5 May 89, you were counselled on your inadequate duty performance for the length of service and span of experience you have. As a result, you received a Letter of Counseling (Atch 1e).
 - f. On or about 3 May 89, you did dishonorably fail to pay your just debts, to wit: 5 months past due on your car payment. For this misconduct, you received a Letter of Reprimand (Atch 1f).

g. On or about 12 Apr 89 and 19 Apr 89, you did fail to pay your just debts, to wit: past due on your NCO Club bill. On 22 Apr 89 your account was 60 days past due. For this misconduct, you received a Letter of Reprimand (Atch 1g).

h. On or about 7 Feb 89, you did fail to pay your just debts, to wit: dishonored check from the Lajes Filed Enlisted Open Mess in the amount of \$20.00. For this misconduct, you received a Letter of Counseling (Atch 1h).

i. On or about 1 Jul 88, you did violate Article 92 of the Uniform Code of Military Justice, to wit: fail to obey a direct order given to you by a superior officer. For this misconduct, you received a Letter of Reprimand and a Unfavorable Information File entry (Atch 1i).

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive a UOTHC discharge. The commander exercising SPCM 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.

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 rights.

5. You have been scheduled for a medical examination. You must report to the 92d Strategic Hospital, Fairchild AFB at 0800 hours on 13 Feb 90, for the examination.

6. Military legal counsel, ~~XXXXXXXXXX~~, Bldg 261, ext 2918 has been obtained to assist you. An appointment has been scheduled for you to consult him on 12 Feb 90 at 0800, bldg 261. 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 AFR 111-1. 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 7 workdays, specifying the right 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. You must respond by 22 Feb 90, 0930 hours.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the unit orderly room.

9. Execute the attached acknowledgement and return it to me immediately.



Commander

2 Atchs

1. Supporting Documents for Reasons for Discharge
2. Document's containing derogatory information which are not listed in the notification letter.