

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE A1C	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					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	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

HEARING DATE 06 Dec 2003	CASE NUMBER FD-2003-00334	
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APPLICANT'S ISSUE AND THE BOARD'S DECISION/RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISION/RATIONALE

Case heard at Randolph AFB, Texas.

Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR

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INDORSEMENT DATE: 12/6/2003

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, 3E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00334

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code.

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 and change of reenlistment code 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 an Article 15 for driving while drunk. In addition, he received a Letter of Reprimand and two Letters of Counseling for significant financial irresponsibility (numerous 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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Dec 91 UP AFR 39-10, para 5-46 (Misconduct - Discreditable Involvement With Military or Civil Authorities). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 1 Jan 70. Enlmt Age: 18 0/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-30, E-66, G-42, M-52. PAFSC: 36150 - Antenna Systems Installation/Maintenance Specialist. DAS: 15 Feb 89.

b. Prior Sv: (1) AFRes 14 Jan 88 - 30 Aug 88 (7 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 Aug 88 for 4 yrs. Svd: 3 Yrs 3 Mo 18 Das, all AMS.

b. Grade Status: A1C - 15 Nov 91 (Article 15, 15 Nov 91)
 SRA - 31 Aug 91
 A1C - 28 Dec 89
 AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 15 Nov 91, Yokota AB, Japan - Article 111. You did, on or about 10 Nov 91, on Bobzien Avenue adjacent to Bldg 104, operate a vehicle, to wit: a passenger car, while drunk. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: RIC, 11 OCT 91 - Financial irresponsibility.
 RIC, 17 JUN 91 - Financial irresponsibility.
 LOR, 10 OCT 90 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 31 Aug 89 - 30 Apr 90 Yokota AB 3 (Initial)
 01 May 90 - 30 Apr 91 Yokota AB 4 (Annual)
 01 May 91 - 07 Nov 91 Yokota AB 2 (CRO) REF

(Discharged from Travis AFB)

h. Awards & Decs: NDSM, AFGCM, AFOSLTR, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (5) Das
 TAMS: (3) Yrs (3) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Jun 03.
(Change Discharge to Honorable and Change the RE Code.)

Issue 1: After the Gulf War in 1991 I went to my Commanding Officer, Lt Col. [REDACTED] and asked him to be released from the U.S. Air Force. He said "You cannot just be released." The next day Lt Col. [REDACTED], SMSGT [REDACTED] and I all meet (sic) in Col. [REDACTED] office and discussed the best way to be released from the military without being connected to the "dirty thirty" investigation. At that time I was promised that I would get a Honorable discharge. Lt Col. [REDACTED] said leave it to me. I did. I never looked at my discharge papers, knowing that an Officer or the Armed Forces would have the best interest of his people in mind.

The reason this request is delayed. I am trying to become a Peace Officer in the City of Denton. I was lucky enough to fight for my country, which fulfilled one dream. I am just asking for the opportunity to fulfill yet one more dream and to give back to the community in which I live.

ATCH
None.

22AUG03/ia



DEPARTMENT OF THE AIR FORCE
1837TH ELECTRONICS INSTALLATION SQUADRON (AFCC)
APO SAN FRANCISCO 96328-5000

FD 2003-00334

REPLY TO
ATTN OF: CC

3 Dec 91

SUBJECT: Notification Letter

TO: A1C [REDACTED] 1837 EIS

1. I am recommending your discharge from the United States Air Force for minor disciplinary infraction. 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. On or about 10 Nov 91, you operated a vehicle while drunk, as evidenced by an AF Form 3070, dated 15 Nov 91.

b. On or about 29 Sep 91, you wrote a check for \$50.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Dishonored Check letter, dated 1 Oct 91 and an AF Form 174, dated 11 Oct 91.

c. On or about 28 Sept 91, you wrote a check for \$150.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Dishonored Check letter, dated 1 Oct 91 and an AF Form 174, dated 11 Oct 91.

d. On or about 13 Sep 91, you wrote a check for \$60.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Notification of Dishonored Check letter, dated 9 Oct 91, and the commander's comments on an AF Form 174, dated 11 Oct 91.

e. On or about 11 Sep 91, you wrote a check for \$60.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Notification of Dishonored Check letter, dated 9 Oct 91 and an AF Form 174, dated 11 Oct 91.

f. On or about 4 Jun 91, you failed to pay a just debt caused by your being charged for an overdraft, as evidenced by an AF Form 174, dated 17 Jun 91, with attachments.

g. On or about 7 May 91, you wrote a check for \$50.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Notification of Dishonored Check letter, dated 12 Jun 91.

h. On or about 6 May 91, you wrote a check for \$15.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Notification of Dishonored Check, dated 12 Jun 91.

i. On or about 25 Aug 90, you wrote a check for \$255.00, for which you failed to maintain sufficient funds to redeem, as evidenced by a Dishonored Check letter, dated 3 Oct 90 and a Letter of Reprimand, dated 10 Oct 90.

j. On or about 7 Aug 90, you wrote a check for \$100.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Dishonored Check letter, dated 27 Aug 90 and a Letter of Reprimand, dated 10 Oct 90.

k. On or about 6 Aug 90, you wrote a check for \$50.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Dishonored Check Notification letter, dated 27 Aug 90 and a Letter of Reprimand, dated 10 Oct 90.

l. On or about 26 Jul 90, you wrote a check for \$50.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Request for Collection Assistance letter, dated 31 Aug 90, a Dishonored Check letter, dated 30 Aug 90 and a Letter of Reprimand, dated 10 Oct 90.

m. On or about 11 Jul 90, you wrote a check for \$50.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Request for Collection Assistance letter, dated 31 Aug 90, a Dishonored Check letter, dated 15 Aug 90 and a Letter of Reprimand, dated 10 Oct 90.

n. On or about 10 Jul 90, you wrote two checks for a total of \$140.50 for which you failed to maintain sufficient funds to redeem, as evidenced by a Dishonored Check Notification, dated 14 Aug 90 and a Letter of Reprimand, dated 10 Oct 90.

o. On or about 7 Jul 90, you wrote a check for \$50.00 for which you failed to maintain sufficient funds to redeem, as evidenced by a Dishonored Check Notification, dated 10 Aug 90, and a Letter of Reprimand, dated 10 Oct 90.

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.

3. 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 Capt [REDACTED] at the Area Defense Counsel office, bldg 420, on 3 Dec 91 at 0800. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 0800 6 Dec 91, (3 workdays from notification) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the Physical Examinations Section of the hospital at 0815 on 7 Nov 91 for the examination. If you wear glasses or contact lenses, bring them with you to the exam. If you wear contact lenses, bring a container to place them in during the exam.

7. 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 at the 475 MSSQ Master Library.

[REDACTED]
Commander

[REDACTED] Lt Col

[REDACTED] SAF

3 Atch

(See next page)

- a AF Form 3070, dated
15 Aug 91
- b AF Form 174, dated 11 Oct 91
- c Dishonored Check letter,
dated, 1 Oct 91, w/atch
- d Notification of Dishonored
Check, dated 9 Oct 91
- e Notification of Dishonored
Check, dated 9 Oct 91
- f AF Form 174, dated 17 Jun 91
- g Notification of Dishonored
Check, dated 12 Jun 91
- h Dishonored Check letter,
dated 3 Oct 90
- i Letter of Reprimand, dated
10 Oct 90
- j Dishonored Check letter,
dated 27 Aug 90
- k Dishonored Check
Notification, dated
27 Aug 90
- l Request for Collection
Assistance, dated 31 Aug 90
- m Dishonored Check letter,
dated 30 Aug 90
- n Dishonored Check letter,
dated 15 Aug 90
- o Dishonored Check
Notification, dated
14 Aug 90
- p Dishonored Check
Notification, dated
10 Aug 90
- 2 Other Data
 - a MFR, dated 23 Aug 90
- 3 Airman's Receipt of
Notification