

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN				
[REDACTED]		[REDACTED]	[REDACTED]				
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	X						
MEMBERS SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
ISSUES A01.00, A95.00		INDEX NUMBER A72.00		EXHIBITS SUBMITTED TO THE BOARD			
				1	ORDER APPOINTING THE BOARD		
HEARING DATE 14 NOV 03		CASE NUMBER FD2003-00358		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		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.							
REMARKS Case heard at Andrews AFB, MD. Advise applicant of the decision of the Board, the right to a personal appearance with or without counsel, and the right to submit an application to the AFBCMR.							
INDORSEMENT					DATE: 14 NOV 03		
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 RD FLOOR ANDREWS AFB, MD 20762-7002				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00358

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 to Honorable is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an impropriety that would justify upgrade of the discharge.

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 applicant received an Under Other Than Honorable Conditions (UOTHC) discharge in lieu of a trial by Court Martial. The records indicated the applicant received an Article 15. The misconduct included wrongfully using the government travel card totaling over \$5,900.00. The applicant lied several times to his then Commander and First Sergeant about the extent of the problem regarding his charge card spending. Most of the money was spent on a rental car, which was reported stolen after he had failed to return the car on the due date. 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF 25 Oct 96 UP AFI 36-3206, Chapter 4 (Discharge in Lieu of Trial by Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 9 Mar 73. Enlmt Age: 19 6/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-34, E-62, G-42, M-74. PAFSC: 2R131 - Maintenance Scheduling Apprentice. DAS: 18 Jan 96.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 10 Sep 92 for 4 yrs. Ext: 19 Sep 95 for 23 months. Svd: 4 Yrs 1 Mo 16 Das, all AMS.

b. Grade Status: SRA - 10 Sep 95
A1C - 10 Jan 94
AMN - 10 Mar 93

c. Time Lost: None.

d. Art 15's: (1) 18 Jun 96, Nellis AFB, NV - Article 92. You did, on divers occasions, between on or about 21 Apr 96 and on or about 10 May 96, fail to obey lawful general regulations, to wit: paragraph 4c, Nellis AFB Regulation 111-2, dated 19 Oct 93, and paragraph 25.1, AFI 65-104, dated 1 Sep 95, by wrongfully using your American Express Government Travel Charge/Automated Teller Machine Card to incur financial obligation in the amount of about \$930.00 for other than official government business. Suspended reduction to A1C, forfeiture of \$200.00 pay per month for two months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 10 Sep 92 - 9 May 94 Luke AFB 4¹ (Initial)
10 May 94 - 9 May 95 Luke AFB 4 (Annual)
10 May 95 - 18 Nov 95 Luke AFB 4 (CRO)

(Discharged from Nellis AFB)

h. Awards & Decs: AFLSA, AFTR, NDSM, SAEMR, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (1) Mos (16) Das
TAMS: (4) Yrs (1) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Mar 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH

1. Applicant's Letter.

9 Sep 03/cr



DEPARTMENT OF THE AIR FORCE

57th LOGISTICS SUPPORT SQUADRON (ACC)

NELLIS AIR FORCE BASE, NEVADA

MEMORANDUM FOR HQ AWFC/JA
99 ABW/CC
IN TURN

09 OCT 1996

FROM: CC

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, [REDACTED]

1. I recommend that the attached request for discharge be approved. This request, if approved, will assure that [REDACTED] will be discharged from the service with a negative service characterization. The facts surrounding this offense are as follows:

a. [REDACTED] used his government American Express Card for unauthorized expenditures totaling over \$5,900.00. Further, until this month, when he made a \$200.00 payment, he failed to make any payments to American Express for charges that date back to March 1996. When the squadron initially discovered that [REDACTED] was wrongfully using his AMEX card, he was given an Article 15 in June. He lied several times to his then Commander and First Sergeant about the extent of the problem regarding his AMEX spending. It was subsequently discovered that instead of \$930.00, [REDACTED] actually owed AMEX over \$5,900.00. Most of the money was spent on a rental car from January 1996 to August 1996. In August the Security Police (SP) on base stopped him and found out the rental car he was driving was reported stolen after he had failed to return the car on the date due.

b. When confronted about the car, [REDACTED] told the SP's in a written sworn statement that his First Sergeant authorized him to use his American Express card for the rental car, but when confronted by the First Sergeant, he later made a second statement retracting the first statement. [REDACTED] also failed to pay a debt to Easy Money, a check cashing place, and twice told them he would pay them the money owed, and both times failed to show up. After charges were preferred against him, he paid off the debt of \$260.00.

c. [REDACTED] was given numerous opportunities to get financial assistance and counseling and would have received my full support had he done so. Instead, he chose to lie and minimize his problems. The circumstances surrounding his misconduct, have caused me to lose confidence in his ability to be rehabilitated and to stay in the Air Force. After discharge, [REDACTED] will still be obligated to pay back American Express.

2. If this request for discharge is approved, I recommend that [REDACTED] discharge characterization be Under Other Than Honorable Conditions (UOTHC). [REDACTED] has not been given any promises as to an administrative discharge or characterization of an administrative discharge.

3. [REDACTED]

a. Is not under investigation.

b. Is not awaiting action under AFIs 36-2503 and 36-3202, or another section of AFI 36-3208.

c. Is not awaiting result of trial.

d. Is not absent without authority.

e. Is not absent in the hands of the civil authorities.

f. Has been referred to a medical facility for examination.

g. Is not in default with respect to public property or public funds.

h. Has not completed 16 or more years of active military service.

i. Is not accountable or responsible for public property or funds.

j. Has not received special pay, bonuses, or education assistance.

4. There has not been a report of recent misconduct other than the charges now pending against [REDACTED].

5. Court-Martial charges have been preferred. Included are:

a. Request for discharge (Tab 2)

b. A copy of the charges against [REDACTED] (Atch 1).

c. 1st Indorsement to DD Form 458 with attachments (Atch 2)

d. A copy statements from American Express (Atch 3).

d. A copy of MFR's regarding statements of [REDACTED] (Atch 4).

e. Personal Data Sheet (Atch 5).

6. Charges have been referred for trial.

7. At the time of misconduct, [REDACTED] did not have a mental disease or defect that caused him to lack the substantial capacity either to appreciate the criminality of the acts, or to conform to the law (AFI 44-109). The airman presently has the capacity to understand the nature of the proceedings and to assist in his defense.

8. [REDACTED] does not hold an Air Force Reserve appointment as a commissioned or warrant officer.

9. Other information:

a. Date and term of enlistment: 10 September 1992; 4 years
 Date this period of continuous active duty started: 10 September 1992
 Pay date: 10 September 1992
 Prior service: None
 TAFMSD: 10 September 1992

b. Date of Birth: 9 March 1973

c. Test scores: Admin-34, Elect-62, Gen-42, Mech-74.

d. Formal training: None.

e. Date assigned to unit: 18 January 1996

f. Current grade and effective date: SrA, 10 September 1995

g. Demotions and dates thereof: None.

h. Time lost: None.

i. Record of disciplinary actions, under Article 15, UCMJ or courts-martial: Article 15, 13 June 1996, failure to obey lawful general regulations.

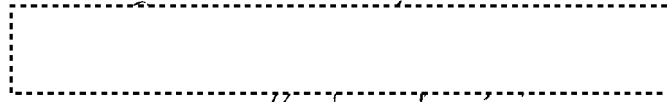
j. Overall rating on enlisted performance reports:

Periods of Observation	Overall Rating
10 May 95 - 18 Nov 95	4
10 May 94 - 9 May 95	4
10 Sep 92 - 9 May 94	4

k. Favorable communications, citations, or awards: Air Force Outstanding Unit Award (one device), Air Force Good Conduct Medal, National Defense Service Medal, and the Air Force Training Ribbon.

l. Derogatory data, other than action by courts-martial or under Article 15, UCMJ:
None.

m. Medical or other data meriting consideration: None.



Commander

Attachments:

1. DD Form 458
2. 1st Ind to DD Form 458 w/attachments
3. Statements from American Express
4. MFR's regarding statements of SrA Herrera
5. Personal Data Sheet