

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b>  <b>SRA</b>	<b>AFSN/SSAN</b> ████████████████████
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<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>	
	X	

<b>MEMBERS SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A01.00, A95.00	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
<b>HEARING DATE</b> 14 NOV 03	<b>CASE NUMBER</b> FD2003-00363	<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
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
			TAPE RECORDING OF PERSONAL APPEARANCE HEARING

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.

<b>INDORSEMENT</b>	<b>DATE: 14 NOV 03</b>
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<b>TO:</b> SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00363

**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 records indicated the applicant received two Articles 15. The misconduct included abuse of government credit card, and failure to pay credit card debt in a timely manner. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 19 Jul 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Apr 76. Enlmt Age: 19 5/12. Disch Age: 25 3/12. Educ: HS DIPL. AFQT: N/A. A-82, E-70, G-80, M-48. PAFSC: 2A352 - F-16 Avionics Systems Journeyman. DAS: 15 Aug 00.

b. Prior Sv: (1) AFRes 28 Sep 95 - 4 Oct 95 (7 days) (Inactive).

(2) Enlisted as AB 5 Oct 95 for 4 yrs. Svd: 3 yrs 1 month 29 days, all AMS. AMN - 5 Apr 96. A1C - 5 Feb 97. SrA - 5 Oct 98. EPRs: 3,3.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 5 Dec 98 for 6 yrs. Svd: 2 Yrs 7 Mo 14 Das, all AMS.

b. Grade Status: AMN - 17 May 01 (Article 15, 17 May 01)

c. Time Lost: None.

d. Art 15's: (1) 17 May 01, Shaw AFB, SC - Article 134. You, being indebted to [REDACTED] in the sum of \$4,045.69 for charges incurred on your government credit card, which amount became due and payable on or about 23 Aug 00, did, from on or about 23 Aug 00, to on or about 26 Apr 01, dishonorably fail to pay said debt. Reduction to Airman. (Appeal/Denied) (No mitigation)

(2) 6 Sep 00, Shaw AFB, SC - Article 92. You, who knew of your duty in the continental United States, on divers occasions between on or about 7 May 99 and on or about 25 Jul 99, were derelict in the performance of those duties in that you willfully failed to refrain from using your government credit card for personal use, as it was your duty to do. Article 134. You, being indebted to [REDACTED] in the sum of \$4935.30 for government credit card charges, which amount became due and payable on or about 29 Jan 00, did, at or near Kunsan Air Base, Korea, from on or about 26 Feb 00 and to on or about 22 Aug 00, dishonorably fail to pay said debt. Suspended reduction to A1C, 7 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 5 Jun 98 - 4 Jun 99 Hill AFB 4 (Annual)  
5 Jun 99 - 4 Jun 00 Osan AB 5 (Annual)

(Discharged from Shaw AFB)

h. Awards & Decs: AFAM, AFLSAR, AFTR, NDSM, AFEM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (9) Mos (22) Das  
TAMS: (5) Yrs (9) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Jul 03.  
(Change Discharge to Honorable)

Issue 1: Please consider upgrading my general discharge under honorable conditions to an honorable discharge. Also please consider upgrading my discharge rank from E-2 to E4. I would appreciate the (sic) your careful consideration on both of these issues, they are both very important to me.

**ATCH**

1. SAF/MRBR Letter, 2 Aug 03.

3SEP03/ia



DEPARTMENT OF THE AIR FORCE  
20th FIGHTER WING (ACC)  
SHAW AIR FORCE BASE, SOUTH CAROLINA

MEMORANDUM FOR AMN [REDACTED]

25 JUN 01

FROM: 77 FS/CC  
750 Fighting Falcon Street  
Shaw AFB SC 29152

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct – minor disciplinary infractions. The authority for this action is AFD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, section H, paragraph 5.49. 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. Between on or about 7 May 99 and on or about 25 Jul 99, you were derelict in the performance of your duties by failing to refrain from using your government credit card for personal use and for dishonorably failing to pay your debt to [REDACTED] in the sum of \$4,935.30. For this misconduct you received an Article 15 nonjudicial punishment action, dated 6 Sep 00. Punishment consisted of a suspended reduction to the grade of Airman First Class, 7 days extra duty, and a reprimand. Additionally, an Unfavorable Information File was established.

b. Between on or about 23 Aug 00 and on or about 26 Apr 01, you dishonorably failed to pay your debt to [REDACTED] in the sum of \$4,045.69. For this misconduct, you received an Article 15 nonjudicial punishment action, dated 17 May 01. Punishment consisted of reduction to the grade of Airman.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-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 Capt [REDACTED] Area Defense Counsel, 895-9530, on 25 Jun 01, at 1500 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three days after receipt of the notification memorandum, 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 statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You must report to the Shaw AFB Hospital, Physical Examinations Section, between the hours of 1100 – 1300, Mon – Thurs, for a medical examination.

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8. 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 the orderly room.

9. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge, unless the reason is homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

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

  
Commander

4 Attachments:

1. AF Form 3070, 6 Sep 00 w/Atch
2. AF Form 1058, 6 Sep 00
3. AF Form 3070, 17 May 01w/Atchs
4. Respondent's Receipt of Notification (Tab 5)