NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)) (GRADE		AFS	AFSN/SSAN		
ТҮРЕ Х	PERSONAL APPEARANCE		RECORD REVIEW					
COUNSEL NAME OF C	OUNSEL AND OR ORGANIZATION	ADI	DRESS AN	ID OR ORGANIZAT	ION OF COUNSI			
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HEARING DATE	CASE NUMBER			NSEL'S RELEA			IE OF	
30 Oct 2003	FD-2003-00381			SONAL APPEA				
			TAPE RECORDING OF PERSONAL APPERANCE					
Case heard at Washir Advise applicant of t	ngton, D.C. he decision of the Board, and the	e right to submit an app	olicati	on to the AF	BCMR.			
		SCALE AND	TESUDER					
SIGNATURE OF RECORDER								
IGNATURE OF RECORDER								
	INDORSEMENT			L	ATE: 19/31/	2003		
TO: SAF/MRBR 550 C STREET WE RANDOLPH AFB,	ST, SUITE 40	FROM: SECRETAR AIR FORCE	Y OF THE DISCHA	E AIR FORCE PERS RGE REVIEW BOA EE WING, 3RD FL	ONNEL COUNC			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2003-00381

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel at Andrews AFB, MD on October 30, 2003.

The attached brief contains the 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.

The applicant's issues are listed in the attached brief.

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a Letter of Reprimand, a Letter of Admonishment, and a Record of Individual Counseling for misconduct, most of which related to financial irresponsibility. Member's club account and deferred payment plan were both delinguent, resulting in wage garnishments. She was disrespectful to her First Sergeant, a Chief Master Sergeant, who stated in 10 years as a First Sergeant he had never come across anyone with a worse attitude or with as complete a failure to accept responsibility for their actions. Member took a 2.5 hour lunch break, and the following day was late to work. The most serious of her offenses involved failing to pay her telephone bill and then after her service was disconnected obtaining telephone services by false pretenses twice, and failing again to pay the resultant bills. Member was sent to financial counseling to assist in managing her financial matters but was evasive and uncooperative. Member's only Enlisted Performance Report was a referral "2" and noted her immaturity, lack of initiative, and difficulty adapting to the military environment. Member testified that events in the record didn't occur as represented by the record, and she provided an explanation for each instance. The Board didn't find applicant's testimony credible and opined that through the unit's administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members, and the characterization of discharge received by the applicant was appropriate.

Issues 2 & 3. Applicant felt her supervisor and First Sergeant acted unprofessionally toward her, and that she was not treated fairly during her Article 15 and discharge processing. The record reflects that member had access to and did consult counsel regarding both the Article 15 and the discharge action and was given her full due process. The record thoroughly documents the reasons for the discharge, and applicant's testimony to the contrary was not compelling. Additionally, applicant could not clearly articulate a reason why she felt her chain of command was making an example of her, only that she was unfairly summarily discharged. The Board found these contentions without merit and no basis for 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/change of reason for discharge and change of RE code, thus the applicant's discharge should not be changed.

Attachment: Examiner's Brief

FD2003-00381

DEPARTMENT OF THE AIR FORCE AIR FORCE DISCHARGE REVIEW BOARD ANDREWS AFB, MD

(Former AMN) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 19 Jun 98 UP AFI 36-3208, para 5.50.1 (Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 7 Jan 75. Enlmt Age: 21 2/12. Disch Age: 23 5/12. Educ:HS DIPL. AFQT: N/A. A-51, E-44, G-32, M-18. PAFSC: 3S031 - Personnel Apprentice. DAS: 23 Nov 96.

b. Prior Sv: (1) AFRes 12 Mar 96 - 30 Jul 96 (4 Months 19 Days) (Inactive).

3. SERVICE UNDER REVIEW:

- a. Enld as AMN 31 Jul 96 for 4 yrs. Svd: 1 Yr 10 Mos 20 Das, all AMS.
- b. Grade Status: AMN 16 Apr 98 (Article 15, 16 Apr 98) A1C - 31 May 97
- c. Time Lost: None.
- (1) 16 Apr 98, Columbus AFB, MS Article 134. You, did, d. Art 15's: between on or about 11 Apr 97 and on or about 16 Dec 97, with intent to defraud, falsely pretend, to Bell South Telecommunications that you were then knowing that the pretenses were false, and by means thereof did wrongfully obtain from Bell South Telecommunications services, of a value of about \$396.57, to wit: telephone services. You, did, between on or about 8 Dec 97 and on or about 4 Feb 98, with intent to defraud, falsely pretend, to Bell South Telecommunications that you were then knowing that the pretenses were false, and by means thereof did wrongfully obtain from Bell South Telecommunications services, of a value of about \$144.06, to wit: telephone services. You, being indebted to Bell South Telecommunications in the sum of \$396.57 for telephone services, which amount became due and payable on or about 16 Dec 97, did, between on or about 16 Dec 97 and on or about 8 Apr 98, dishonorably fail to pay said debt. You, being indebted to Bell South Telecommunications in the sum of \$144.06 for telephone services, which amount became due and payable on or about 4 Feb 98, did, between on or about 4 Feb 98 and on or about 8 Apr 98, dishonorably fail to pay said

debt. Reduction to AMN, and suspended reduction to AB. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 2 JUN 98 - Late for work and unauthorized extended lunch break. AFEES LTR, 12 MAY 98 - Financial irresponsibility. LOA, 7 MAY 98 - Disrespectful and rude to First Sergeant. RIC, 30 JAN 98 - Financial irresponsibility. TRAFFIC TICKET, 14 DEC 96 - Speeding on base.

- f. CM: None.
- g. Record of SV: 31 Jul 96 30 Mar 98 Colubrus AFB 2 (Initial) REF

(Discharged from Columbus AFB)

- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (2) Yrs (3) Mos (8) Das TAMS: (1) Yrs (10) Mos (20) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Aug 03. (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

- 1. Applicant's Letter.
- 2. Congressional Inquiry.

8 Sep 03/cr



5 JUN 98

F02003-00281

MEMORANDUM FOR

FROM: 48 FTS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct (Discreditable Involvement With Military or Civil Authorities). The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.50.1. 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 14 December 1996, you drove 33mph in a 25 mph zone. For this, you were cited by base security forces and 4 points were assessed against your driving record.

b. Between 1 February 97 and 30 November 1997, you allowed your account at the Columbus Club to become delinquent. In December 1997, you wrote a \$25 check in partial payment of your outstanding balance which was returned for insufficient funds. Because of your refusal to pay, the Columbus Club collected \$290 from your military pay in Jan 98 through an involuntary collection action.

c. Between 13 October 1997 and 13 January 1998, you carried a small delinquent balance on your Deferred Payment Plan account with the Base Exchange. During this time, you received four delinquent account notices and made but one payment. Because of your refusal to pay, the Base Exchange collected \$42.36 from your military pay in Jan 98 through an involuntary collection action. On 30 Jan 98, your supervisor ordered you to attend a mandatory financial counseling class.

d. Between 1 April 1997 and 28 February 1998, you obtained telephone services by false pretenses and generated substantial telephone bills which you dishonorably failed to pay. For this, you received Article 15 punishment which reduced you to your current rank and imposed a suspended reduction to Airman Basic.

e. On 6 May 1998, you were disrespectful and rude to the First Sergeant. For this, I formally admonished you.

f. On 1 and 2 June 1998, you failed to report to duty at the time prescribed. On 1 June 1998, you took a two and one-half hour lunch break. On 2 June 1998, you failed to report to work on time. For this, I reprimanded you.

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 discharge 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. I have made an appointment for you to consult Military Counsel by telephone on $\underline{\$ Jane 98}$ at $\underline{0930}$. The telephone number for **Department for the second se**

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 COB 11 JUN 10 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 have been scheduled for a medical examination. You must report to the hospital at O915 on 9700295 for the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in the unit personnel office.

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

23 Attachments:

- 1. 14 SPS/SPAR memo, 14 Dec 96
- 2. Appeal of Traffic Ticket, 17 Dec 96
- 3. MFR, 13 May 98
- 4. AAFES Memo, 12 May 98
- 5. AAFES Delinquent Account Notice, 13 Oct 97
- 6. AAFES Delinquent Account Notice, 13 Nov 97
- 7. AAFES Delinquent Account Notice, 13 Dec 97
- 8. AAFES Delinquent Account Notice, 13 Jan 98
- 9. AF Form 174, 30 Jan 98

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- 10. Article 15, 16 Apr 98
- 11. 14 SFS ROI, 9 Mar 98
- 12. Memo, BellSouth Security, 12 Mar 98
- 13. BellSouth Invoice, 16 Dec 97
- 14. BellSouth Invoice, 16 Jan 98
- 15. Admonishment, 7 May 98
- 16. MFR, 6 May 98
- 17. LOR, 2 Jun 98
- 18. Memo, 48 FTS/CC, 4 Mar 98
- 19. Memo, 14 MSS/DPF, 20 Mar 98
- 20. Memo, 14 MSS/DPF, 21 Apr 98 w/atch
- 21. Memo, 48 FTS/CC, 15 May 98
- 22. Memo, 14 MSS/DPF, 19 May 98
- 23. Airman's Receipt of Notification Memorandum