

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>			GRADE AMN		AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>															
TYPE GEN	X	PERSONAL APPEARANCE			RECORD REVIEW															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50px; text-align: center;">YES</td> <td style="width: 50px; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL											
YES	No																			
	X																			
MEMBER SITTING			HON	GEN	UOTHC	OTHER														
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ISSUES A94.05		INDEX NUMBER A67.10		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20px; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>			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
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HEARING DATE 13 Apr 2004		CASE NUMBER FD-2001-0548																		

Case heard at Washington, D.C.

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

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 20762-7062
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2001-0548

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

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Dobbins AFB, Georgia, in November, 2002, but did not respond to formal notification of the hearing date and failed to appear without requesting a postponement. The applicant was again scheduled for a personal appearance before the DRB at Fort Gillem, Georgia, in April 2004, but again failed to respond to formal notification of the hearing date and did not request a postponement.

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 was discharged for minor disciplinary infractions; he had received an Article 15, six Letters of Reprimand, a Letter of Counseling, and had an Unfavorable Information File (UIF) for misconduct. His infractions included failure to go, writing numerous bad checks, and failing to pay just debts. In reply to his UIF action, member noted his problems were likely due to his lack of focus and direction in life. In reply to his Article 15, he apologized and noted he had no excuse to continue making the same mistakes repeatedly. The DRB opined that through the unit's many 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 and the characterization of the discharge received by the applicant was 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 96/08/12 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 73/05/15. Enlmt Age: 19 10/12. Disch Age: 23 2/12. Educ: HS DIPL. AFQT: N/A. A-68, E-42, G-78, M-21. PAFSC: 1C331 - Command & Control Apprentice. DAS: 93/12/03.

b. Prior Sv: (1) AFRes 93/03/31 - 93/06/29 (2 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 93/06/30 for 4 yrs. Svd: 03 Yrs 01 Mo 13 Das, all AMS.

b. Grade Status: AMN - 96/07/12 (Article 15, 96/07/12)
A1C - 94/10/30
AMN - 93/12/30

c. Time Lost: none.

d. Art 15's: (1) 96/07/12, Scott AFB, IL - Article 134. You did, on or about 22 May 96, make and utter to the ----- a certain check, check #1539, in words and figures, to wit: \$21.60, for the purchase of goods and/or services, and did thereafter dishonorably fail to maintain sufficient funds in the ----- for payment of such check in full upon its presentment for payment. Reduction to Airman, and 21 days restriction. (Appeal/Denied) (No mitigation)

e. Additional: LOC, 06 JUN 95 - Bad Check.
LOR, 03 AUG 95 - Bad Check.
LOR, 15 AUG 95 - Failure to pay just debt.
LOR, 18 AUG 95 - Failure to go.
LOR/UIF, 30 AUG 95 - Failure to pay just debts.
LOR/UIF, 01 FEB 96 - Bad checks.
LOR, 29 APR 96 - Bad Checks.

f. CM: none.

g. Record of SV: 93/06/30 - 95/02/27 Scott AFB 5 (Initial)
95/02/28 - 96/01/03 Scott AFB 3 (CRO)

(Discharged from Scott AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (12) Das
TAMS: (03) Yrs (01) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/12/10.
(Change Discharge to Honorable)

Issue 1: Nature of seperation (sic) to harse for offenses committed.

ATCH

1. DD Form 214.
2. AF Form 100.

02/03/25/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 375TH AIRLIFT WING (AMC)

FD 2001-0548

MEMORANDUM FOR 375 AW/CC

01 AUG 1996

FROM: 375 AW/JA
861 South Drive Room 300
Scott AFB IL 62225-5101

SUBJECT: Final Legal Review of Administrative Discharge -
Amn [REDACTED]

1. I have reviewed Amn [REDACTED] administrative discharge package and find it legally sufficient. This discharge is for minor disciplinary infractions, pursuant to AFI 36-3208, paragraph 5.49. I recommend you approve the discharge with a General (Under Honorable Conditions) service characterization by signing the attached letter.

2. Basis for Action: On 24 Jul 96, the respondent's Commander, Lt Col [REDACTED], AMC TACC/CC, notified Amn [REDACTED] of her decision to initiate administrative discharge proceedings for minor disciplinary infractions IAW AFI 36-3208, paragraph 5.49. The respondent acknowledged receipt of notification on 24 Jul 96. Respondent consulted with counsel and has waived his right to submit a statement for your consideration. Lt Col [REDACTED] recommended Amn [REDACTED] discharge on 29 Jul 96.

3. Fact Summary: Respondent is 23 years old and entered the Air Force on 30 Jun 93 for a period of 4 years. He has been on continuous active duty since that date. No prior active duty or inactive service is indicated. The respondent is authorized to wear the Air Force Good Conduct Medal, the Air Force Training Ribbon, and the National Defense Service Medal. Lt Col [REDACTED] is requesting the respondent be discharged for the following reasons:

a. On or about 1 Jun 95, he failed to maintain sufficient funds in his checking account. For this offense he received a Letter of Counseling (LOC), dated 6 Jun 95.

b. On or about 20 Jun 96, he failed to maintain sufficient funds in his checking account. For this offense he received a Letter of Reprimand (LOR), dated 3 Aug 95.

c. On or about 15 Aug 95, he dishonorably failed to pay his just debts. For this offense he received an LOR, dated 15 Aug 95. (Atch 3 of 1)

d. On or about 17 Aug 95, he failed to go at the time prescribed to his appointed place of duty. For this offense he received an LOR, dated 18 Aug 95.

e. On or about 30 Aug 95, he dishonorably failed to pay his just debts. For this offense he received a LOR, dated 30 Aug 95 with an Unfavorable Information File (UIF) entry.

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f. On or about 18 Jan 96, he failed to maintain sufficient funds in his checking account. For this offense he received an LOR, dated 1 Feb 96 with a UIF entry.

g. On or about 29 Apr 96, he failed to maintain sufficient funds in his checking account. For this offense he received an LOR, dated 29 Apr 96 with a UIF entry.

h. On or about 22 May 96, he failed to maintain sufficient funds in his checking account. For this offense he received an Article 15, dated 12 Jul 96.

4. Legal Sufficiency: The file is legally sufficient to support the requested discharge pursuant to AFI 36-3208, paragraph 5.49, minor disciplinary infractions.

5. Discussion:

a. Amn [REDACTED] has continued to be a disciplinary problem within the squadron despite corrective actions taken by his supervisors. Since Jan 95, the respondent has received an Article 15, one LOC, and six LORs. He has failed to go to his appointed place of duty, failed to consistently pay his debts, and has demonstrated his inability to maintain his personal finances. It is clear that Amn [REDACTED] is unwilling to conform his conduct to the standards expected of airmen in the Air Force. Therefore, discharge action is appropriate.

b. Discharges may be characterized as Honorable, General (Under Honorable Conditions) or Under Other Than Honorable Conditions (UOTHC). In determining the appropriate characterization, AFI 36-3208, paragraph 1.18 provides guidance. An Honorable characterization is appropriate when the quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty. A General characterization is appropriate when "an airman's service has been honest and faithful" but "significant negative aspects of the airman's conduct outweigh positive aspects". Finally, a UOTHC is appropriate when an airman's behavior, acts, or omissions are a "significant departure" from conduct expected of airmen. Specific examples of conduct warranting a UOTHC include violent acts and other acts which endanger the health and safety of other Air Force members.

c. Amn [REDACTED] discharge is appropriately characterized as General. Based on the Respondent's conduct, an Honorable service characterization would be inappropriate. However, although significant negative aspects of Amn [REDACTED] conduct have outweighed the positive aspects, his conduct has not departed so radically that he has endangered others. Consequently, this case does not rise to the level of an Under Other Than Honorable Conditions Discharge. Therefore, I recommend that Amn Freeman be discharged with a General Service characterization.

6. Probation and Rehabilitation (P&R): The use of P&R is authorized in this case under AFI 36-3208, Chapter 7. However, Amn [REDACTED] has failed to respond to previous rehabilitative efforts, including one LOC, six LORs, and Nonjudicial Punishment. It is clear that all efforts of rehabilitation have

proved futile. Consequently, neither the commander nor I recommend further P&R.

7. Options: As the Special Court-Martial Convening Authority, you have the following options in this case:

- a. Retain the respondent in the Air Force.
- b. Forward the file to 15 AF/CC with a recommendation the respondent receive an Honorable Discharge, with or without probation and rehabilitation.
- c. Direct the separation of the respondent with a General (Under Honorable Conditions) Discharge, with or without probation and rehabilitation.
- d. Direct reinitiation of the discharge proceeding with a recommendation the Respondent receive an Under Other Than Honorable Conditions (UOTHC) Discharge.

8. Recommendation: I recommend the Respondent be discharged from the Air Force with a General (Under Honorable Conditions) Discharge, without probation and rehabilitation.

 Major, USAF
Acting Staff Judge Advocate

Attachments:

Proposed 375 AW/CC Ltr w/5 Atch
(Case file)

MEMORANDUM FOR Amn [REDACTED]

24 Jul 96

FROM: HQ AMC TACC/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFI 36-3208, paragraph 5.49. If my recommendation for discharge is approved, your service may be characterized as Honorable, General (Under Honorable Conditions), or Under Other Than Honorable. I am recommending that your service be characterized as General (Under Honorable Conditions).

2. My reasons for this action are:

a. On or about 1 Jun 95, you failed to maintain sufficient funds in your checking account. For this offense you received a Letter of Counseling (LOC), dated 6 Jun 95. (Atch 1)

b. On or about 20 Jun 96, you failed to maintain sufficient funds in your checking account. For this offense you received a Letter of Reprimand (LOR), dated 3 Aug 95. (Atch 2)

c. On or about 15 Aug 95, you dishonorably failed to pay your just debts. For this offense you received an LOR, dated 15 Aug 95. (Atch 3)

d. On or about 17 Aug 95, you failed to go at the time prescribed to your appointed place of duty. For this offense you received an LOR, dated 18 Aug 95. (Atch 4)

e. On or about 30 Aug 95, you dishonorably failed to pay your just debts. For this offense you received a LOR, dated 30 Aug 95 with an Unfavorable Information File (UIF) entry. (Atch 5)

f. On or about 18 Jan 96, you failed to maintain sufficient funds in your checking account. For this offense you received an LOR, dated 1 Feb 96 with a UIF entry. (Atch 6)

g. On or about 29 Apr 96, you failed to maintain sufficient funds in your checking account. For this offense you received an LOR, dated 29 Apr 96 with a UIF entry. (Atch 7)

h. On or about 22 May 96, you failed to maintain sufficient funds in your checking account. For this offense you received an Article 15, dated 12 Jul 96. (Atch 8)

3. 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. 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 with the Area Defense Counsel, Bldg 7, at 1400 hrs on 25 JUL 96. You may consult civilian counsel at your own expense.

5. You have been scheduled for a medical examination. You must report to the 375th Medical Group, Physical Examinations Section, on 6 AUG 96 at 0730 hrs for the examination.

6. You will report immediately to the DEERS Office, Bldg 350, to surrender your Military Identification Card (ID) and the ID Cards of any dependents. You will be issued a temporary ID pending the 375 AW/CC decision on your discharge.

7. You will report before close of business tomorrow (or the next duty day) to the Transportation Management Office (TMO), Outbound Assignments, to complete a Scott Air Force Base Form 241/Personal Property Appointment Sheet. That worksheet must be completed and returned to TMO within 5 days.

8. You will report before close of business tomorrow (or the next duty day) to Special Actions at Military Pay, Bldg P-10, room 201, to make arrangements concerning your military pay.

9. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1500/29 JUL 96 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

10. 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.

11. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

[REDACTED]

LT Col, USAF
Commander

Attachments:

1. LOC, 6 Jun 95.
2. LOR, 3 Aug 95.
3. LOR, 15 Aug 95.
4. LOR, 18 Aug 95.
5. LOR, 30 Aug 95. (UIF)
6. LOR, 1 Feb 96. (UIF)
7. LOR, 29 Apr 96. (UIF)
8. Art 15, 12 Jul 96