

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AB	AFSN/SSAN ████████████████			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
NAME OF COUNSEL AND OR ORGANIZATION						
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A95.00 A01.00		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 15 Jul 2004		CASE NUMBER FD-2003-00402				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
Case heard at Washington, D.C.						
Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.						
INDORSEMENT				DATE: 7/19/2004		
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 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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 is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received a general discharge for misconduct--commission of a serious offense. The applicant received an Article 15 for divers occasions with the intent to defraud, forge checks. The Board concluded the disciplinary infraction was a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 Mar 02 UP AFI 36-3208, para 5.52 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Dec 81. Enlmt Age: 18 5/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-76, E-76, G-66, M-67. PAFSC: 2E031 - Ground Radar Systems Apprentice. DAS: 13 Nov 00.

b. Prior Sv: (1) AFRes 16 Jun 00 - 25 Sep 00 (3 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Sep 00 for 4 yrs. Svd: 1 Yrs 6 Mo 3 Das, all AMS.

b. Grade Status: AB - 27 Feb 02 (Article 15, 27 Feb 02)
AMN - 26 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 27 Feb 02, Keesler AFB, MS - Article 123. You, did, on divers occasions between on or about 17 May 01, and on or about 21 May 01, with the intent to defraud, falsely make in its entirety the signature of [REDACTED] as maker of certain checks belonging to [REDACTED] made payable to [REDACTED] and utter said checks in the following words and figures, to wit: Check #235, dated 17 May 01, in the amount of \$200.00, Check #243, dated 18 May 01, in the amount of \$400.00, Check #246, dated 20 May 01, in the amount of \$600.00, and Check #247, dated 21 May 01, in the amount of \$200.00, writings which would, if genuine, apparently operate to the legal harm of another, which said checks were, as he, the said Airman [REDACTED] then well knew, falsely made and which were used to the legal harm of [REDACTED] in that the checks were drawn on Washington Mutual Bank, FA of Chico, California. Reduction to AB, and forfeiture of \$552.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Keesler AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (13) Das
TAMS: (1) Yrs (6) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Aug 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

16SEP03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR AB [REDACTED]

13 MAR 2002

FROM: 338 TRS/TRM

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for commission of a serious offense according to AFPD 36-32 and AFI 36-3208, under the provisions of Chapter 5, Section H, paragraph 5.52. If my recommendation is approved, your discharge will be described as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 27 Feb 02, you received nonjudicial punishment under Art 15, UCMJ for the following offenses:


i. You did, at or near Keesler AFB, MS, on divers occasions between, on or about 17 May 2001, with the intent to defraud, falsely make in its entirety the signature of [REDACTED] as maker of certain checks belonging to [REDACTED] made payable to [REDACTED], and utter said checks in the following words and figures:

- (a). On 17 May 01, check number 0235 in the amount of \$200.00
- (b). On 18 May 01, check number 0243 in the amount of \$400.00
- (c). On 20 May 01, check number 0246 in the amount of \$600.00
- (d). On 21 May 01, check number 0247 in the amount of \$200.00

Writings which would, if genuine, apparently operate to the legal harm of another, which said checks were, as he, the said Amn [REDACTED] then well knew, falsely made and which were used to the legal harm of [REDACTED], in that the checks were drawn on Washington Mutual Bank, FA of Chico, California.

For the following offenses, your nonjudicial punishment consisted of a reduction in grade to E-1, with a new date of rank of 27 Feb 02, and forfeiture of \$552.00 pay per month for 2 months. (Atch 1, Appendix A w/atchs)

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 higher 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. Any special pay, bonuses, or education assistance funds may be subject to recoupment.
4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult ADC at Bldg 0701, Room 133, on TBD at TBD hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 19 Mar 02 by 1630 hours 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 81st Medical Group, Physical Exams on _____, 2002 at _____ hours for the examination.
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 Bldg 7502, CQ.
9. Execute the attached acknowledgment and return it to me immediately


 III, Capt, USAF
 Commander, Military Training Flight

Attachments:

1. Supporting Documents
 - a. AF Form 3070, dated 27 Feb 02 w/atchs
2. Airman's Receipt of Notification Memorandum
3. Airman's Acknowledgment

ATCH 1