

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████ | GRADE AB | AFSN/SSAN ██████████ |
|--------------------------------------------------------------------------|--------------------|--------------------------------|

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|--------------------------------------------|----------------------------|-----------------------------------------------|
| 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 | REASON FOR DENIAL | | | | |
|-----------------------|--------------------------|-----|-------|-------|------|
| | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | X |
| | | | | | X |
| | X | | | | |
| | | | | | X |
| | | | | | X |

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| ISSUES A92.21 A93.21 | INDEX NUMBER A67.50 | 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 |

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| HEARING DATE 13 Jan 2004 | CASE NUMBER FD-2003-00414 | |
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APPLICANT'S STATEMENT OF DISSENT TO THE BOARD'S DECISION AND/OR REASONING

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.

[Signature]

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| 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 |
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00414

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for discreditable involvement with military or civil authorities. The records indicate applicant received an Article 15, a Letter of Reprimand, and was subject of various delinquency notices and Memorandums for Record for misconduct. Her misconduct included misuse of her government travel card on two occasions, misuse of her government computer for personal gain, and failure to pay just debts. Member was sent to the base Personal Financial Management Program counseling offered but failed to fully participate or make positive adjustments in her financial situation as a result. As regards misuse of her government travel card, member argued she was not guilty of those offenses due to not being fully aware of all the program's instructions, and that she used her best judgment in the absence of more thorough guidance. With regard to the computer misuse, again applicant asserted ignorance of the correct procedures, claiming she had inquired of the services squadron and the legal office whether there were special procedures for e-mails for personal fundraising and the staff she spoke to were not aware of any, so she didn't realize what she did was wrong. The board noted that some, but not all, of member's misconduct was tangentially related to an ongoing health issue for which she was in treatment, however the Board did not find these factors to be sufficient mitigation or extenuation to warrant an upgrade at this time. The DRB opined that through the unit's administrative actions, the applicant had the opportunity to change her negative behavior. The Board concluded the misconduct was a departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate.

Applicant's noted her post-service activities and the DRB was pleased to see that the applicant is doing well. However, this does not relate to the period of service in question and provides no basis of inequity or impropriety in her discharge.

Applicant also cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that applicant signed a statement (DD Form 2366, on April 19, 1993) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that warrants an upgrade.

If she can provide additional documented information to substantiate an issue, the applicant should consider exercising her right to make a personal appearance before the Board. If she chooses to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments and any contributions to the community.

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

(Former SRA) (HGH SRA)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 2 Dec 98 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement with Military or Civil Authority). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 1 May 71. Enlmt Age: 21 7/12. Disch Age: 27 7/12. Educ: HS DIPL. AFQT: N/A. A-45, E-28, G-44, M-21. PAFSC: 3A051 - Information Management Journeyman. DAS: (EPR Indicates): 7 Apr 93-29 Dec 94.

b. Prior Sv: (1) AFRes 16 Dec 92 - 6 Apr 93 (3 months 22 days) (Inactive).

(2) Enlisted as AB 7 Apr 93 for 4 yrs. Svd: 3 yrs 0 mos 23 days, all AMS. AMN - 7 Oct 93. A1C - 7 Aug 94. EPRs: 4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 1 May 96 for 4 yrs. Svd: 2 Yrs 7 Mo 2 Das, all AMS.

b. Grade Status: SrA - (EPR Indicates): 16 May 95-16 May 96)

c. Time Lost: None.

d. Art 15's: (1) 5 May 98, Dyess AFB, TX - Article 92. You, who should have known of your duties at or near Lackland AFB, Texas, on or about 1 Mar 98, and on or about 2 Mar 98, were derelict in the performance of those duties in that you willfully failed to obey a lawful general regulation, to wit: AFI 65-104, paragraph 25.1, dated 1 May 96, by wrongfully using your Government American Express Travel Card for personal use, as it was your duty to do. You, who should have known of your duties at or near MacDill AFB, FL, on or about 21 Mar 98, were derelict in the performance of those duties in that you willfully failed to obey a lawful general regulation, to wit: AFI 65-104, paragraph 2 and 2.2, dated 1 May 96, by wrongfully using your Government American Express Travel card for unauthorized car expenses, as it was your duty to do. Suspended reduction to A1C, forfeiture of \$150.00 pay per month for two months, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 12 NOV 98 - Unauthorized use of computer.
MEMO, 23 JUN 98 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 16 May 95 - 15 May 96 Dyess AFB 4 (Annual)
 16 May 96 - 15 May 97 Dyess AFB 5 (Annual)
 16 May 97 - 31 Jan 98 Dyess AFB 4 (CRO)

(Discharged from Dyess AFB)

h. Awards & Decs: AFGCM, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (11) Mos (17) Das
 TAMS: (5) Yrs (7) Mos (26) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Aug 03.
 (Change Discharge to Honorable)

Issue 1: I was discharged from the Air Force on December 8th, 1998. My discharge was a General Under Honorable Conditions. I was released because I had used my government issued American Express Card. My life has been changed dramatically from that incident. At the time of my release from the military I was with child. Due to the stress of suddenly finding myself without a job or a place to live, I could not carry the baby to full term and I miscarried in my 5th month of pregnancy. Because of the mistake I made I was not able to help defend my Country, I have shamed myself and my family.

I have made a lot of changes since that time. I have been working on my credit so I do not have excellent credit but it is not in the shape that it was in 1998. I have been able to get a house and a car. My husband and I are also at a point where we can finally afford to adopt children. The reason for this letter was to get my discharge upgraded so that I can remove this black mark that is hindering me from receiving the G.I. bill and from being able to obtain my VA Home owners loan certificate. Thank you for your time and consideration.

ATCH

None.

7NOV03/ia



FD 2003-00474

DEPARTMENT OF THE AIR FORCE
436TH TRAINING SQUADRON (ACC)
197 AVENUE D, SUITE 10
DYESS AIR FORCE BASE TEXAS 79607-1297

MEMORANDUM FOR SrA [REDACTED]

19 Nov 98

FROM: 436 TS/CC/CC


SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Discreditable Involvement With Military or Civil Authorities. The authority for this action is AFI 36-3208, dated 14 Oct 94, 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 (Under Honorable Conditions).
2. My reasons for this action are:
 - a. You did, on 2 Nov 98, while on duty, use your government computer to distribute email via the Dyess network to solicit donations for personal gain, for which you were reprimanded, as evidenced by LOR, dated 12 Nov 98.
 - b. You did, on 17 Jun 98, fail to pay a just debt to your DPP and UCDDP accounts, for which you were reprimanded, as evidenced by DPP and UCDDP Delinquency letter, dated 23 Jun 98
 - c. You did, on 1 Mar 98 and on 2 Mar 98, use your Government American Express Travel Card for personal use, for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 18 May 98.
 - d. You did, on 21 Mar 98, use your Government American Express Travel Card for unauthorized rental car expenses, for which you received Article 15 punishment, as evidenced by AF Form 3070, dated 18 May 98.




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 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.
3. 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 the Area Defense Counsel on 19 Nov 98 at 1015 hours. You may consult civilian counsel at your own expense. 1660
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 24 Nov 98, 0800 hours, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination on 20 Nov 98 at 0900 hours, at the 7th Medical Group Hospital, Physical Exams Section.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFPD 36-32 and AFI 36-3208, dated 14 Oct 94. A copy of AFPD 36-32 and AFI 36-3208 is available for your use in the orderly room.

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


L1 Col, USAF
Commander, 436 TS/CC

Attachments:

1. Airman's Receipt of Letter of Notification
2. LOR, dated 12 Nov 98 w/Response
3. Proper Use of Government Computer Systems
4. Email from  SrA dated 5 Nov 98
5. Email from  SrA, dated 2 Nov 98
6. Email from  SSgt, dated 9 Nov 98
7. Official U.S. Department of Defense Disclaimer Notice
8. DPP and UCDPP delinquency, dated 23 Jun 98
9. MFR, Late Payment of DPP and UCDPP, dated 20 Jul 98
10. MFR, Late DPP and UCDPP, dated 13 Jul 98
11. AAFES ltr, dated 17 Jun 98
12. Payment Report
13. AF Form 3070, dated 18 May 98
14. MFR, dated 13 Jul 98
15. MFR, dated 16 Jul 98
16. MFR, dated 20 Jul 98
17. Oral Order to attend Personal Financial Management Program, dated 27 May 98