

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> AMN	<b>AFSN/SSAN</b> ██████████
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>		
	<b>X</b>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b>	A94.53 A94.05	<b>INDEX NUMBER</b>	A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<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

<b>HEARING DATE</b>	10 Feb 2004	<b>CASE NUMBER</b>	FD-2003-00481
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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.

*[Handwritten Signature]*

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<b>INDORSEMENT</b>		<b>DATE:</b> 2/10/2004
<b>TO:</b> SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2003-00481**

**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 conduct prejudicial to good order and discipline. The records indicated the applicant received an Article 15, five Letters of Reprimand, two Records of Individual Counseling, one Memorandum for Record, had an unfavorable Information File, and had been placed on the Control Roster for misconduct. His infractions were all for being late to work or financial irresponsibility, with one for dereliction of duty. Applicant infers his discharge was inequitable because it was too harsh, and that he should not be penalized indefinitely for his mistakes. The DRB recognized the applicant was 21 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was as old as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct, and that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior and was either unwilling or unable to do so. 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 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 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 7 Dec 98 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 11 Feb 77. Enlmt Age: 18 8/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-39, E-46, G-48, M-56. PAFSC: 2F051 - Fuels Apprentice. DAS: 4 Jul 98.

b. Prior Sv: (1) AFRes 6 Nov 95 - 20 Feb 96 (3 Months 15 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 21 Feb 96 for 4 yrs. Svd: 2 Yrs 9 Mos 17 Das, all AMS.

b. Grade Status: AMN - 10 Nov 98 (Article 15, 10 Nov 98)  
A1C - 21 Jun 97  
AMN - 21 Aug 96

c. Time Lost: None.

d. Art 15's: (1) 10 Nov 96, Little Rock AFB, AR - Article 86. You did, on or about 27 Oct 98, without authority, fail to go at the time prescribed to your appointed place of duty. Article 134. You did, on or about 13 Sep 98, make and utter to AAFES a certain check, in words and figures as follows, to wit: twenty-one and ninety-four cents, for an item of value, and did thereafter dishonorably fail to maintain sufficient funds in the Fort Sill National Bank for payment of such check in full upon its presentment for payment. Reduction to AMN, suspended forfeiture of \$100 pay per month for 2 months, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 04 NOV 98 - Financial irresponsibility.  
LOR, 14 OCT 98 - Late for work.  
LOR, 17 SEP 98 - Late for work.  
RIC, 08 SEP 98 - Late for work.  
LOR, 14 AUG 98 - Financial irresponsibility.  
MEMO, 13 AUG 98 - Late for work.  
LOR, 27 AUG 97 - Dereliction of duty.  
LOR, 24 JUL 97 - Financial irresponsibility.

f. CM: None.

- g. Record of SV: 21 Feb 96 - 20 Oct 97 RAF Mildenhall 2 (Initial) REF  
21 Oct 97 - 04 Jun 98 RAF Mildenhall 4 (CRO)

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, AFOUA.

- i. Stmt of Sv: TMS: (3) Yrs (1) Mos (2) Das  
TAMS: (2) Yrs (9) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 10 Oct 03.  
(Change Discharge to Honorable)

Issue 1: I [REDACTED] before God plead with the board on behalf of myself to upgrade my record to a Honorable discharge for reason to obtain a proper work record. Their for (sic) job to support my family in retrospect at the time of service I feel I was discharged unfairly and was not aware of how to go about seeking or properly representing myself in this situation, now before the board and God I ask for an upgrade on my discharge; Thank you and God bless!

ATCH  
None.

25 Nov 03/cr



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 314TH AIRLIFT WING (AETC)  
LITTLE ROCK AIR FORCE BASE, ARKANSAS

FD 2003-00 481

23 NOV 1998

MEMORANDUM FOR AMN [REDACTED]

FROM: 314 SUPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation for discharge is approved, the separation authority may characterize your service as either Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 4 November 1998, you had an outstanding balance of \$73.79 (leftover from when you were stationed in England) on your Government American Express Card. For your actions, you received a Letter of Counseling (LOC). (Atch 1-1.)

b. On or about 27 October 1998, you failed to go at the time prescribed to your appointed place of duty. Also, on or about 13 September 1998, you wrote a check in the amount of \$21.94 to the Army and Air Force Exchange Office without having sufficient funds in your checking account. For your actions, you received Nonjudicial Punishment under Article 15, UCMJ and an entry in your Unfavorable Information File (UIF). (Atch 1-2.)

c. On or about 22 September 1998, you failed to go at the time prescribed to your appointed place of duty. Your duty hours begin a 0715 and you did not arrive until 0830. For your actions, you received a Letter of Reprimand (LOR) and an entry in your UIF. (Atch 1-3.)

d. On or about 16 September 1998, you failed to go at the time prescribed to your appointed place of duty. Your duty hours begin a 0715 and you did not arrive until 00950. For your actions, you received an LOR and an entry in your UIF. (Atch 1-4.)

e. On or about 8 September 1998, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received an LOC. (Atch 1-5.)

f. On or about 29 May 1998, you wrote a check in the amount of \$105.50 that was later returned for insufficient funds. Also, on or about 20 June 1998, you wrote a check in the amount

of \$88.50 that was later returned for insufficient funds. For your actions, you received an LOR, an entry in your UIF, and were placed on the Control Roster. (Atch 1-6.)

g. On or about 20 August 1997, you failed to follow proper operating instructions, contained in a local checklist, while refueling a C-300 refueling unit and caused a Class III fuel spill. For your actions, you received an LOR and an entry in your UIF. (Atch 1-7.)

h. Between on or about 8 May 1997 and on or about 7 June 1997, you used your Government American Express Card for unofficial purposes. For your actions, you received an LOR and the establishment of a UIF. (Atch 1-8.)

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 higher authority will decide whether you will be discharged or retained in the Air Force and, if 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 Captain [REDACTED], Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 on 24 November 1998 at 1400 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 by 3 workdays unless you request and receive an extension for good cause shown. I will forward any statements you submit 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 Little Rock AFB Hospital at 0745 hours on 24 November 1998 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 the Orderly Room.

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

[REDACTED]  
[REDACTED], Major, USAF  
Commander

Attachments: (See Next Page)

## Attachments:

- 1-1 LOC, 4 Nov 98
- 1-2 Art. 15, 17 Nov 98
  - Broken/Canceled Dental Appt. Ltr, 27 Oct 98
  - AF Form 490, 30 Sep 98
  - AAFES Ltr, 23 Oct 98
- 1-3 LOR, 14 Oct 98
  - UIF, 20 Oct 98
  - UIF Summary Sheet
- 1-4 LOR, 17 Sep 98
  - Member's Response, not dated
  - UIF, 20 Oct 98
  - UIF Summary Sheet
- 1-5 LOC, 8 Sep 98
  - MFR (TSgt: [redacted]), 13 Aug 98
- 1-6 LOR, 14 Aug 98
  - Returned Checks Ltr, 24 Jul 98
  - Copies of Returned Checks
  - UIF/Control Roster, 20 Aug 98
  - UIF Summary Sheet
- 1-7 LOR, 27 Aug 97
  - UIF, 10 Sep 97
  - UIF Summary Sheet
- 1-8 LOR, 24 Jul 97
  - AMEX Agreement Ltr, not dated
  - UIF, 30 Jul 97
  - UIF Summary Sheet