

**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>PERSONAL APPEARANCE</b>	<b>X</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>		

<b>MEMBER SITTING</b>	<b>NOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A92.15 A93.11	<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> 27 Feb 2004	<b>CASE NUMBER</b> FD-2003-00508	
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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]*

<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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2003-00508

**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.

Issue 1. Applicant infers discharge was inequitable because it was too harsh. The records indicated the applicant received two Articles 15, three Letters of Reprimand, a Letter of Counseling, three Records of Individual Counseling and had an Unfavorable Information File for misconduct. Her infractions included financial irresponsibility, allowing an unauthorized civilian to reside in her dormitory room, being late for duty, missing a mandatory formation, unsatisfactory progress on the Weight Management Program, falsely pretending to be someone she wasn't in order to fraudulently obtain long distance telephone services valuing more than \$100.00, and misusing her government travel card. Applicant notes she was having financial difficulties and requested assistance from the Family Support Center and First Sergeant; she contends she received no help. The record shows member participated in the financial counseling program in 1994 and again in 1997 and was making progress with her debts. Additionally, her First Sergeant recommended she receive financial assistance from the Air Force Aid Society in 1994 and 1995. The DRB opined that through these administrative and rehabilitative actions, the applicant had ample opportunities to change her negative behavior and was unable or unwilling 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 appropriate.

Issue 2. Applicant states that her discharge did not take into account the good things she did while in the service. The DRB took note of the applicant's duty performance as documented by her performance reports, all three of which were rated an overall "3." These reports documented repeated counseling for financial irresponsibility as well as negative attitude and problems with applicant's weight. The Board found the seriousness of applicant's willful misconduct and otherwise mediocre performance offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were its basis.

**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 9 Sep 97 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Dec 72. Enlmt Age: 20 8/12. Disch Age: 24 9/12. Educ: HS DIPL. AFQT: N/A. A-85, E-36, G-57, M-30. PAFSC: 3M031 - Services Apprentice. DAS: 24 May 94.

b. Prior Sv: (1) AFRes 27 Aug 93 - 1 Feb 94 (5 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Feb 94 for 4 yrs. Svd: 3 Yrs 7 Mo 8 Das, all AMS.

b. Grade Status: AMN - 04 Aug 97 (Article 15, 4 Aug 97)  
A1C - 23 Jun 95  
AMN - 02 Aug 94

c. Time Lost: None.

d. Art 15's: (1) 4 Aug 97, Offutt AFB, NE - Article 92. You did, at or near Bellevue, Nebraska, between on or about 1 Apr 97 and on or about 30 Jun 97, fail to obey a lawful general regulation, to wit: Air Force Instruction 65-104, dated 1 May 96, by wrongfully using your Government American Express card. Reduction to Airman. (Appeal/Denied) (No mitigation)

(2) 23 Dec 94, Lackland AFB, TX - Article 134. You did, on divers occasions, between on or about 20 Mar 94 and 23 Aug 94, with intent to defraud, falsely pretend to AT&T that you had authority to use A1C [REDACTED] calling card, then knowing that the pretenses were false, and by means thereof did wrongfully obtain from AT&T long distance calling services, of a value in excess of \$100.00. Suspended reduction to Airman, suspended forfeiture of \$100.00 pay per month for 2 months, and 20 days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 21 MAR 97 - Late for work.  
LOR, 18 FEB 97 - Unsatisfactory progress on the Weight Management Program.

RIC, 18 JAN 97 - Missed Commander's Call.  
 LOR, 07 JAN 97 - Unsatisfactory progress on the Weight Management Program.  
 LOC, 17 APR 96 - Late for duty.  
 LOR, 22 SEP 95 - Unauthorized civilian residing in base quarters.  
 RIC, 22 AUG 95 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 02 Feb 94 - 28 Oct 95 Offutt AFB 3 (Initial)  
 29 Oct 95 - 28 Oct 96 Offutt AFB 3 (Annual)  
 29 Oct 96 - 25 Aug 97 Offutt AFB 3 (Cmdr Dir)

(Discharged from Offutt AFB)

h. Awards & Decs: AFTR, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (14) Das  
 TAMS: (3) Yrs (7) Mos (8) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Oct 03.  
 (Change Discharge to Honorable)

Issue 1: On 9 Sep 97 I [REDACTED] was discharged from the US Air Force with a General under honorable conditions discharge. This was based on an incident where I had used my AM (sic) Express Gov (sic) issued card to withdraw money to pay my rent. I had asked for help from Family Services and from the 1<sup>st</sup> Sgt, but no one would help me. I had a small child at the time and I was afraid I was going to be evicted from my home. I made a bad decision at that time which I regret to this day. I had made mistakes before in the military but this was the worst. I made payments back to the AM (sic) Express card since then and would like to see if you would please consider upgrading my discharge from General under honorable conditions to an Honorable. Your time and effort is greatly appreciated. Thank you in advance.

Issue 2: I believe my discharge was improper because I was a good service member for the three years I was in. The worst problem I had before this was an LOR for letting my current husband live with me in base housing, before we actually (sic) got married. I then moved out of base housing & back into an apartment to live with him.

I know I had made mistakes in the military but I hope it is not going to affect the decision of upgrading my discharge. Thank you again.

**ATCH**  
 None.

8DEC03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 55TH WING (ACC)  
OFFUTT AIR FORCE BASE, NEBRASKA

29 Aug 97

MEMORANDUM FOR AMN [REDACTED]

FROM: 55 SVS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. I am recommending a general discharge.

2. My reasons for this action are:

a. Between 20 March and 23 August 1994, with intent to defraud, you knowingly made a false statement to AT&T stating that you had authority to use another airman's calling card. As a result of this statement, you wrongfully obtained long distance calling services from AT&T in excess of \$100.00. For this incident, you received nonjudicial punishment, dated 23 December 1994, consisting of reduction to the grade of airman basic, suspended until 22 June 1995; forfeiture of \$100.00 pay per month for 2 months, suspended until 22 June 1995; and 20 days extra duty. (Atch 1-1)

b. Between 3 July and 22 August 1995, you dishonorably failed to make any payment on a just debt owed to AAFES DPP. This incident is documented with a record of individual counseling. (Atch 1-2)

c. On 21 August 1995, you were derelict in the performance of your duties in that you allowed a civilian male to reside with you in your dormitory, in violation of AFI 32-6001. At that time, you had full knowledge that this individual was barred from Offutt AFB. For this incident, you received a letter of reprimand, dated 22 September 1995. (Atch 1-3)

d. On 15 April 1996, at Offutt AFB, you, without authority, failed to go to your appointed place of duty at the time prescribed. For this incident, you received a letter of counseling, dated 17 April 1996. (Atch 1-4)

e. On 18 January 1997, at Offutt AFB, you, without authority, failed to go to a mandatory commander's call. This incident was documented with a record of individual counseling, dated 18 January 1997. (Atch 1-5)

f. On 21 March 1997, at Offutt AFB, you, without authority, failed to go to your appointed place of duty at the time prescribed. This incident was documented with a record of individual counseling, dated 21 March 1997. (Atch 1-6)

g. Between 1 April and 30 June 1997, you failed to obey a lawful general regulation, to wit: AFI 65-104, by wrongfully using your Government American Express Card. For this incident, you received nonjudicial punishment, dated 4 August 1997, consisting of reduction to the grade of airman. (Atch 1-7)

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. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.

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 Captain [REDACTED] Area Defense Counsel, Bldg 323C, RM 302, Phone 4-3939, at 1100 on 29 Sep 97. You may consult civilian counsel at your own expense. *Any men*

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 4 Sep 97 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. You must report to the 55th Medical Group, Family Practice Section, at 1000 on 29 Sep 97 for the examination. *Any men*

7. 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 unit orderly room.

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

[REDACTED]  
[REDACTED] Lt Col, USAF  
Commander, 55<sup>th</sup> Services Squadron

Attachments:

Atch 1-1; Nonjudicial Punishment, 23 Dec 94

Atch 1-2; Record of individual counseling, 22 Aug 95

Atch 1-3; Letter of reprimand, 22 Sep 95

Atch 1-4; Letter of counseling, 17 Apr 96

Atch 1-5; Record of individual counseling, 18 Jan 97

Atch 1-6; Record of individual counseling, 21 Mar 97

Atch 1-7: Nonjudicial punishment, 4 Aug 97

Other Documents: Letter of reprimand, dated 7 Jan 97; letter of reprimand, dated 18 Feb 97.