

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 1.2em; margin-top: 5px;"></div>				GRADE <div style="text-align: center; padding-top: 5px;">AB</div>		AFSN/SSAN <div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div>	
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES No							
		X					
MEMBER SITTING				VOTE OF THE BOARD			
				HON		GEN	
				UOTHC		OTHER	
						DENY	
						X	
						X	
						X	
						X	
				X			
ISSUES <div style="text-align: center; padding-top: 5px;">A67.10</div>		INDEX NUMBER <div style="text-align: center; padding-top: 5px;">A94.05</div>		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 <div style="text-align: center; padding-top: 5px;">24 Feb 2004</div>		CASE NUMBER <div style="text-align: center; padding-top: 5px;">FD-2003-00537</div>					
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: 2/26/2004			
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

CASE NUMBER

FD-2003-00537

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, and one Letter of Reprimand for failure to support his family, failure to go and wrongfully using his government credit card. The DRB opined that through these 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. The characterization of the discharge received by the applicant was found to be appropriate. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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]

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 Apr 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 Dec 72. Enlmt Age: 19 5/12. Disch Age: 24 4/12. Educ: HS DIPL. AFQT: N/A. A-48, E-41, G-39, M-62. PAFSC: 2A733 - Structural Maintenance Apprentice. DAS: 9 Feb 93.

b. Prior Sv: (1) AFRes 20 May 92 - 30 Jul 92 (2 months 11 days) (Inactive).

(2) Enlisted as AB 31 Jul 92 for 4 yrs. Svd: 3 yrs 2 months 18 days, all AMS. AMN - 31 Jan 93. A1C - 30 Nov 93. SrA - 31 Jul 95. EPRs: 3,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 20 Oct 95 for 4 yrs. Svd: 1 Yrs 5 Mo 27 Das, all AMS.

b. Grade Status: AB - 5 Feb 97 (Article 15, 5 Feb 97)

c. Time Lost: None.

d. Art 15's: (1) 5 Feb 97, Tyndall AFB, FL - Article 92. You did, on or about 26 Nov 96, violate a lawful general regulation, to wit: paragraph 25.1, AFI 65-104, dated 1 Sep 95, by wrongfully using a Government authorized American Express credit card in an amount less than \$50.00 for other than official travel. Article 134. You did, on or about 12 Dec 96, make and utter to the Tyndall Base Exchange, Tyndall AFB, FL, a certain check, in the amount of \$50.40, and did thereafter dishonorably fail to maintain sufficient funds in the Tyndall Federal Credit Union for payment of such check in full upon its presentment for payment. Reduction to AB. (Appeal/Denied) (No mitigation)

(2) 28 Jan 97, Tyndall AFB, FL - Article 86. You did, on or about 12 Dec 96, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: [REDACTED] Panama City, Florida, for a final inspection you had scheduled. Article 92. You did, on or about 18 Dec 96, without authority, fail to go at the time prescribed to

your appointed place of duty. Reprimand and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 28 JAN 97 - Failure to support family.

f. CM: None.

g. Record of SV: 31 Mar 95 - 30 Mar 96 Tyndall AFB 4 (Annual)
31 Mar 96 - 30 Mar 97 Tyndall AFB 3 (Annual)REF

(Discharged from Tyndall AFB)

h. Awards & Decs: AFLSAR, AFTR, SAEMR, AFOUA W/1 OLC, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (10) Mos (28) Das
TAMS: (4) Yrs (8) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Sep 03.
(Change Discharge to Honorable)

Issue 1: I served for 4 years honorably. I was selected to serve another 4 year term. I recived (sic) the Good Conduct Medal. I discharged (sic) my second term due to hardship from a divorce. Thank you all for your time.

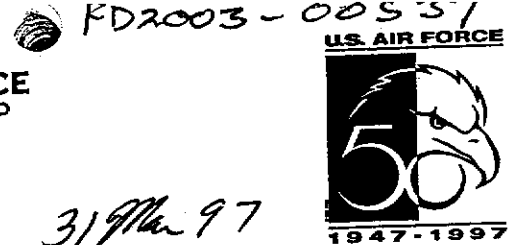
ATCH

1. Congressional Correspondence, 10 Sep 03.

23DEC03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND



31 Mar 97

MEMORANDUM FOR AB [REDACTED]

FROM: 325 MXS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for misconduct consisting of minor disciplinary infractions, according to AFI 36-3208, under the provisions of paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reason for the action is your engagement in misconduct consisting of minor disciplinary infractions. Specifically:
 - a. You did, on or about 26 November 1996, violate a lawful general regulation, to wit: paragraph 25-1, Air Force Instruction 65-104, by wrongfully using a Government authorized American Express card in the amount less than \$50.00 for other than official travel (Atch 1-1).
 - b. You did, on or about 12 December 1996, make and utter to the Tyndall Air Force Exchange, Tyndall Air Force Base, Florida, a certain check, in the amount of \$50.40, and did thereafter fail to maintain sufficient funds in your account for payment of such check in full upon its presentation for payment (Atch 1-1).
 - c. You did, on or about 12 December 1996, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: [REDACTED], Panama City, Florida, for a final inspection you had scheduled (Atch 1-2).
 - d. You did, on or about 18 December 1996, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: [REDACTED], Panama City, Florida, for a final inspection you had scheduled (Atch 1-2).
 - e. You did, between on or about 1 June 1996 and on or about 27 January 1997, fail to support your dependents, as evidenced by a Letter of Reprimand dated 28 January 1997 (Atch 1-3).

Copies of the documents to be forwarded to the separation authority in support of the 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 re-enlistment 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 [REDACTED], at Bldg 1005, DSN 523-2911, on

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~~22~~ MAR 97 at 1315 hours in his office. You may consult civilian counsel at your own expense.

4. Any statements you want the separation authority to consider must reach me within 3 workdays 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 NCOIC, physical examinations, building 1309 on 1 APR 97 at 1345 hours.

7. You have been scheduled for a preliminary appointment with the 325 MSS Relocations Section. You must report to building 662, room 216 on 2 APR 97 at 0900 hours.

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.



Attachments:

- I-1. Letter of Reprimand, 28 Jan 97
- 1-2. Article 15, 5 Feb 97
- 1-3. Article 15, 26 Feb 97
- 2. Acknowledgment
- 3. Blank
- 4. Blank
- 5. EPRs