

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
[REDACTED]		A1C	[REDACTED]

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	No					
	X					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES	A94.05	INDEX NUMBER	A30.70	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	CASE NUMBER
15 Jan 2004	FD-2003-00544

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]

INDORSEMENT	DATE: 3/26/2004
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TO:	FROM:
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2003-00544

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:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, one Letter of Reprimand, one Letter of Admonishment, and three Records of Individual Counseling for misconduct. 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.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 A1C) (HGH SRA)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 10 May 96 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Jul 72. Enlmt Age: 18 6/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-70, E-72, G-66, M-73. PAFSC: 2A352C - F-16 Avionics Systems Journeyman. DAS: 25 Mar 96.

b. Prior Sv: (1) AFRes 25 Jan 91 - 30 Apr 91 (3 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 May 91 for 4 yrs. Ext: 29 Oct 93 for 21 months. Svd: 5 Yrs 0 Mo 10 Das, all AMS.

b. Grade Status: A1C - 09 Apr 96 (Article 15, 9 Apr 96)
SrA - 03 May 94
A1C - (EPR Indicates): 3 May 92-26 Feb 93
AMN - 03 NOV 91

c. Time Lost: None.

d. Art 15's: (1) 9 Apr 96, Moody AFB, GA - Article 109. You, did, at or near Valdosta, Georgia, between on or about 1 Feb 96 and on or about 5 Mar 96, willfully damage [REDACTED] Apartment F-1, by putting holes in the walls and leaving excessive amounts of trash in apartment F-1, the amount of said damage being in the sum of about \$2258.95, the property of B&W Enterprise. Reduction to A1C. (Appeal/Denied) (No mitigation)

e. Additional: (Examiner's Note: The following documents, listed on the Notification Memorandum, are missing from file).

RIC, 25 MAR 96 - Failure to go.
RIC, 08 FEB 96 - Failure to go.
LOR, 24 APR 95 - Financial irresponsibility.
LOA, 18 MAR 93 - Dereliction of duty.
RIC, 23 JUL 92 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 03 May 92 - 26 Feb 93 Moody AFB 4 (Initial)
 27 Feb 93 - 14 Dec 93 Moody AFB 5 (CRO)
 15 Dec 93 - 30 Apr 94 Moody AFB 5 (CRO)
 01 May 94 - 14 Dec 94 Moody AFB 5 (CRO)
 15 Dec 94 - 22 May 95 Moody AFB 5 (CRO)

(Discharged from Moody AFB)

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

i. Stmt of Sv: TMS: (5) Yrs (3) Mos (16) Das
 TAMS: (5) Yrs (0) Mos (10) Das

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

Issue 1: I am requesting this upgrade because I am currently unable to use the money that I paid into the G.I. Bill, and because I am extremely proud of my time in the Air Force. I served one full enlistment with no EPR lower than a four. I was young and very foolish, and acted accordingly, however the charges that led to my discharge stemmed from a bitter divorce caused by infidelity by my wife with a co-worker. I handled this situation poorly, and this resulted in my being discharged.

Issue 2: I have made restitution of all debts that resulted from my behavior, and am sincerely remorseful for any shame my actions have brought on the United States Air Force and/or Moody AFB. I am now a Christian, deeply involved in the ministry of my local congregation, a full-time student at ██████████ University, and a Systems Analyst for a major insurance company.

ATCH
 None.

29DEC03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 347TH WING (ACC)
MOODY AIR FORCE BASE, GEORGIA

FD 2003-00544

24 April 1996

MEMORANDUM FOR [REDACTED]

FROM: 68 FS/CCE

SUBJECT: Notification Memorandum - Discharge of Airman

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 AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation for discharge is approved, your service will be characterized as 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 as follows:

a. Between 16 Jul 92, and on or about 21 Jul 92, you wrote three worthless checks totaling \$74.01 (not including service charges) on two separate occasions to Army Air Force Exchange Service (AAFES). Thereafter, you failed to place or maintain sufficient funds in your account to pay these checks in full upon their presentment for payment. For this offense, you were counseled on 23 Jul 92, as documented by an AF Form 174 (Atch 1a).

b. On or about 15 Mar 93, you failed to follow established guidelines regarding destruction of COMSEC MATERIAL. For this offense, you received a Letter Of Admonishment, dated 18 Mar 93 (Atch 1b).

c. Between 1 Feb 95, and on or about 24 Apr 95, you wrote three worthless checks on three separate occasions. You wrote one worthless check to AAFES, and two worthless checks to the manager of [REDACTED] Apartments (February and April rent payments). For this offense, you received a Letter Of Reprimand, dated 24 Apr 95 (Atch 1c).

d. On several occasions, without authority, you failed to go at the time prescribed to your appointed place of duty, to wit: 68th Fighter Squadron, at Moody Air Force Base, Georgia. For this offense, you were counseled on 8 Feb 96, as documented by an AF Form 174 (Atch 1d)

e. On or about 7 Mar 96, without authority, you failed to go at the time prescribed to your scheduled appointment, to wit: M-16 training, at Moody Air Force Base, Georgia. For this offense, you were counseled on 25 Mar 96, as documented by an AF Form 174 (Atch 1e).

f. You, did, at or near Valdosta, Georgia, between on or about 1 Feb 96 and on about 5 Mar 96, willfully damage [REDACTED] Apartment F-1, by putting holes in the walls and leaving excessive amounts of trash in apartment F-1, the amount of said damage being in the sum of about \$2258.95, the property of B&W Enterprise. For this offense, you received nonjudicial punishment pursuant to Article 15, UCMJ, dated 22 Apr 96. Punishment included a reduction to airman first class (Atch 1f).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (SPCM) jurisdiction or a 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 [REDACTED] in Bldg 5109, Room 3, at 1400 hours on 25 April 1996. Please take your copy of this Notification Memorandum and the attachments with you to your appointment. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after receipt of this notification letter, unless you request and receive an extension for good cause shown. **If your appointment with defense counsel is beyond three duty days after receipt of this letter, you should contact the Area Defense Counsel office at extension 7-3421 to obtain a delay request.** I will send any statement(s) you submit 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. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208, is available for your use in the orderly room.

7. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams Section, Bldg 3296, at 0900 on 26 April 1996 for the examination. Bring contact lenses or prescription glass if applicable. If you have a family history or diabetes, please do not eat food fourteen (14) hours prior to this appointment. **This is a mandatory appointment.**

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



Section Commander, 68th Fighter Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. AF Form 174, 23 Jul 92
 - b. LOA, 18 Mar 93
 - c. LOR, 24 Apr 95
 - d. AF Form 174, 8 Feb 96
 - e. AF Form 174, 25 Mar 96
 - f. AF Form 3070, 22 Apr 96
2. Airman's Receipt of Notification Memorandum