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AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES <b>A92.35</b>	INDEX NUMBER <b>A49.00</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 5px; text-align: center;"><b>1</b></td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>2</b></td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>3</b></td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>4</b></td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<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
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HEARING DATE <b>09 Mar 2004</b>	CASE NUMBER <b>FD-2004-00004</b>	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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

<b>INDORSEMENT</b>		<b>DATE: 3/9/2004</b>
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-2004-00004**

**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:**

The applicant states that his discharge was inequitable because it was based on one isolated incident in 26 months of service. The records indicate the member received two Articles 15. The misconduct included wrongfully and unlawfully uttering bad checks, and failing to maintain sufficient funds. 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.

**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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Dec 96 UP AFI 36-3208, para 5.26.4 (Unsatisfactory Performance - Financial Irresponsibility). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Jul 75. Enlmt Age: 19 0/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-37, E-35, G-70, M-29. PAFSC: 1C531B - Aerospace Con and Weapons Apprentices. DAS: 12 Jun 96.

b. Prior Sv: (1) AFRes 16 Aug 94 - 12 Oct 94 (1 month 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Oct 94 for 4 yrs. Svd: 2 Yrs 2 Mo 14 Das, all AMS.

b. Grade Status: AB - 20 Sep 96 (Article 15, 20 Sep 96)  
A1C - 13 Feb 96  
Amn - 13 Apr 95

c. Time Lost: None.

d. Art 15's: (1) 5 Dec 96, Mountain Home AFB, ID - Article 123a. You, did, on divers occasions between on or about 15 Nov 96 and on or about 17 Nov 96, with intent to defraud and for the procurement of goods and services of value and lawful currency, wrongfully and unlawfully utter to Army and Air Force Exchange Service (AAFES), certain checks for the payment of money drawn upon SAFE Federal Credit Union, of a total amount of \$760.25, and signed [REDACTED], then knowing that you, maker thereof, did not or would not have sufficient funds in or credit with said bank for the payment of said checks in full upon their presentment. Article 134. You, did, on divers occasions between on or about 31 Oct 96 and on or about 3 Nov 96, utter to Army and Air Force Exchange Service (AAFES) certain checks, of a total amount of \$192.32, drawn upon SAFE Federal Credit Union, made payable to Army and Air Force Exchange Service (AAFES), and signed [REDACTED] for the purchase of goods and services of value, and did thereafter dishonorably fail to maintain sufficient funds in said bank for payment of said checks in full upon presentment for payment. Forfeiture of \$300.00 pay, 30 days restriction, and a reprimand. (No appeal) (No mitigation)

(2) 20 Sep 96, Mountain Home AFB, ID - Article 123a. You did, on divers occasions, between on or about 8 Jul 96 and on or about 15 Aug 96, with intent to defraud and for the procurement of lawful currency and articles of value, wrongfully and unlawfully utter to the Army and Air Force Exchange Service, certain checks for the payment of cash for an amount totaling over \$100.00, checks dated between on or about 8 Jul 96 and on or about 15 Aug 96, drawn upon the Safe Federal Credit Union, made payable to the order of the Army and Air Force Exchange Service, and signed [REDACTED], then knowing that you, the maker thereof, did not or would not have sufficient funds in said bank for the payment of said checks in full upon their presentment. Reduction to AB, 15 days extra duty, 30 days restriction, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Mountain Home AFB)

h. Awards & Decs: JMUA, NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (11) Das  
TAMS: (2) Yrs (2) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Nov 03.  
(Change Discharge to Honorable)

Issue 1: My Undesirable Discharge was inequitable due to an issolated (sic) series of decisions made on my financial inadequases (sic). My performance was one that would constitute an Honorable Discharge. All reporations were made before my discharge. I excelled in my job. My record will reflect this.

**ATCH**  
None.

27JAN04/ia



FD 2004-00004

**DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 366TH WING (ACC)  
MOUNTAIN HOME AIR FORCE BASE, IDAHO**

MEMORANDUM FOR AB [REDACTED] 726 ACS 12 Dec 96

FROM: 726 ACS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance, specifically, irresponsibility in the management of personal finances. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.26.4. I am recommending that your service be characterized as general.
2. My reasons for this action are:
  - a. On divers occasions between on or about 15 November 1996 and on or about 17 November 1996, you wrote four checks to AAFES with insufficient funds in your account for payment of those checks. Also, on divers occasions between on or about 31 October 1996 and on or about 3 November 1996, you wrote three checks to AAFES with insufficient funds in your account for payment of those checks. As a result, you received nonjudicial punishment under Article 15 of the UCMJ on 9 December 1996. (Atch 1).
  - b. On divers occasions between on or about 8 July 1996 and on or about 15 August 1996, you wrongfully wrote checks to AAFES totaling over \$100.00 without sufficient funds in your bank for payment of the checks. As a result, you received nonjudicial punishment under Article 15 of the UCMJ on 1 October 1996. (Atch 2).
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.
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] at Building 512 on **Friday, 13 December 1996 at 0830**. 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 within 3 workdays of the date of this memorandum unless you request and receive an extension for good cause shown. I will send them 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 the Physical Examination Section at the hospital on Mountain Home AFB on **Monday, 16 December 1996 at 1000**. If you wear glasses, wear them to the scheduled 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 your orderly room.

9. You will surrender your ID card to me immediately. Proceed with this letter to the Military Personnel Flight, Customer Service, Building 512, Mountain Home AFB no later than 13 December 1996 where you will be issued a temporary ID card good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.

N/A 10. Proceed with this letter to the Security Police, Pass and Registration Section, Building 7001, Visitor Control Center, no later than \_\_\_\_\_ December 1996 where you will turn in your Mountain Home AFB vehicle sticker and your USAF vehicle decal after which you will be issued a temporary vehicle pass good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle pass will be issued to you until the case is finalized.

11. Proceed with this letter to the Traffic Management Office (TMO) immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.

  
\_\_\_\_\_, USAF  
Commander, 726th Air Control Squadron

Attachments:

1. Article 15, 9 Dec 96
2. Article 15, 1 Oct 96