

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>				GRADE A1C		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>							
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">COUNSEL</td> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL													
YES	No												
	X												
MEMBER SITTING						VOTE OF THE BOARD							
						HON	GEN	UOTHC	OTHER	DENY			
										X			
										X			
										X			
										X			
										X			
ISSUES A94.53 A01.13 A92.37				INDEX NUMBER A67.10		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 19 May 2004				CASE NUMBER FD-2004-00057									
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE													
<p>Case heard at Washington, D.C.</p> <p>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.</p> <div style="border: 1px dashed black; height: 100px; width: 100%; margin-top: 20px;"></div>													
INDORSEMENT						DATE: 5/24/2004							
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-2004-00057

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 - 3. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15, two Letters of Reprimand, and a Letter of Counseling for misconduct. His infractions included writing five bad checks totaling over \$750.00, four dress and appearance violations, and violating a no contact order regarding Mr. MH. Applicant was involved in an initially friendly relationship with Mr. MH, who began frequently asking applicant for money. Over a period of time, applicant gave Mr. MH a significant amount of money, which negatively impacted his ability to pay his bills. Applicant continued to give Mr. MH money after he determined he shouldn't be doing so because he was afraid of bodily harm from Mr. MH. In recognition of the deteriorating situation between applicant and Mr. MH, and to protect applicant, applicant's chain of command gave him a no contact order and very explicit instructions on what to do if Mr. MH initiated contact, to include who applicant was to call for assistance or to inform of the unsolicited contact. Applicant failed to follow those instructions, contrary to his own best interest. He further failed to make a police complaint against Mr. MH, although strongly urged to do so by his chain of command. His commander further noted that his integrity had been breached by "countless lies about his financial status." When the command helped him obtain a \$2,000.00 signature loan to pay his debts, he gave half of it to Mr. MH. After having unsuccessfully exhausted all possible avenues to assist applicant extricate himself from the situation with Mr. MH, the command felt it in the best interest of the Air Force and the member to administratively separate applicant. The DRB opined that through the unit's extensive administrative actions, the applicant had ample opportunities to change his negative behavior and was 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.

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 AlC) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Langley AFB, VA on 19 Oct 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Oct 79. Enlmt Age: 17 5/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-50, E-38, G-29, M-19. PAFSC: 3S051 - Personnel Journeyman. DAS: 8 Dec 98.

b. Prior Sv: (1) AFRes 10 Apr 97 - 3 Feb 98 (9 months 25 days) (Inactive).

(2) Enlisted as AB 4 Feb 98 for 4 yrs. Svd: 3 yrs 2 months 5 days, all AMS. AMN - 4 Aug 98. AlC - 4 Jun 99. SrA - 4 Feb 01. EPRs: 2(REF), 3.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 10 Apr 01 for 4 yrs. Svd: 0 Yrs 6 Mo 10 Das, all AMS.

b. Grade Status: AlC - 20 Sep 01 (Article 15, 20 Sep 01)

c. Time Lost: None.

d. Art 15's: (1) 20 Sep 01, Langley AFB, VA - Article 134. You, did, on or about 22 Jul 01, make and utter to Wal-Mart a certain check, in words and figures as follows, to wit: Check number 267 for \$65.54, for the purchase of goods, and did thereafter dishonorably fail to maintain sufficient funds in the Langley Federal Credit Union for payment of such check in full upon its presentment for payment. You, did, on or about 22 Jul 01, make and utter to Wal-Mart a certain check, in words and figures as follows, to wit: Check number 268 for \$363.37, for the purchase of goods, and did thereafter dishonorably fail to maintain sufficient funds in the Langley Federal Credit Union for payment of such check in full upon its presentment for payment. You did, on or about 22 Jul 01, make and utter to Gear 4 You a certain check, in words and figures as follows, to wit: Check number 7421 for \$240.37, for the purchase of goods, and did thereafter dishonorably fail to maintain sufficient funds in the Discover Bank for payment of such check in full upon its presentment for payment. You, did, on or about 6 Aug 01, make and utter to Crown Petroleum/Fast

Fare a certain check, in words and figures as follows, to wit: Check number 272 for \$27.00, for the purchase of goods, and did thereafter dishonorably fail to maintain sufficient funds in the Langley Federal Credit Union for payment of such check in full upon its presentment for payment. You did, on or about 21 Aug 01, make and utter to Crown Petroleum/Fast Fare a certain check, in words and figures as follows, to wit: Check number 264 for \$54.06, for the purchase of goods, and did thereafter dishonorably fail to maintain sufficient funds in the Langley Federal Credit Union for payment of such check in full upon its presentment for payment. Reduction to A1C, 30 days restriction, and 30 days extra duty. (Appeal/Denied) (No mitigation)

- e. Additional: LOR, 20 AUG 01 - Failure to meet dress and appearance standards.
 LOC, 13 AUG 01 - Failure to meet dress and appearance standards.
 LOR, 10 AUG 01 - Failure to obey a lawful order.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, AFOUA, AFGCM.
- i. Stmt of Sv: TMS: (4) Yrs (6) Mos (10) Das
 TAMS: (3) Yrs (8) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 23 Sep 03.
 (Change Discharge to Honorable)

Issue 1: Their actions on me should have been brought against them.

Issue 2: Purgery (sic) and stealing and using my name without me knowing is against the law.

Issue 3: I think my discharge should be upgraded because I have accomplished paying my bill to Langley and the act (sic) that I have nothing to do with what they did to me was wrong.

ATCH
 None.

16MAR04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

FD 2004-00057

2 Oct 01

MEMORANDUM FOR SRA [REDACTED]

FROM: 1 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. If your 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:

a. On or about 9 Aug 01, you expressed to MSgt [REDACTED] that you had contact with Mr. [REDACTED] from 8 Aug 01 at 1730 to 9 Aug 01 at 0230, thus violating a verbal no contact order issued to you by your commander, Maj [REDACTED], through MSgt [REDACTED] on 6 Aug 01. For this misconduct, you received a Letter of Reprimand (LOR) on 10 Aug 01.

b. On or about 6 Aug 01, it was noticed you were not meeting Air Force standards for dress and appearance, in that you were unshaven, for a third infraction. For this misconduct, you received a Letter of Counseling (LOC) on 13 Aug 01.

c. On or about 20 Aug 01, it was noticed you were not meeting Air Force standards for dress and appearance, in that you were unshaven, for a fourth infraction. For this misconduct, you received an LOR on 20 Aug 01.

d. Between on or about 22 Jul 01 and on or about 21 Aug 01, you failed to maintain sufficient funds in both the Langley Federal Credit Union and the Discover bank to cover five checks totaling \$750.34. For this misconduct, you received an Article 15 on 20 Sep 01, with a reduction to the grade of Airman First Class, 30 days restriction to Langley Air Force Base, Virginia, and 30 days extra duty.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 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] Area Defense Counsel, 54 Willow Street, Bldg. 147, Ext. 5607 at 1030 hours on 2 October 2001. 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 0815 hours on 5 Oct 2001 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 1st Medical Group, Physical Exam Section at 0730 hours on 5 October 2001 and an additional examination will be scheduled if necessary.

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 unit orderly room.

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

[REDACTED]

[REDACTED] Maj, USAF
Commander, 1st Mission Support Squadron

Attachments:

1. Supporting Documents
 - a. LOR - 10 Aug 01
 - b. LOC - 13 Aug 01
 - c. LOR - 20 Aug 01
 - d. Art 15 - 20 Sep 01
2. Receipt of Notification Memorandum