

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ████████████████
--	---------------------	--------------------------------------

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<b>X</b>		

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

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A49.00	<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> 11 May 2004	<b>CASE NUMBER</b> FD-2004-00066	
------------------------------------	-------------------------------------	--

**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

<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
--	---

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00066**

**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 an Article 15, a Vacation action under the UCMJ and a Letter of Reprimand, all for financial irresponsibility. Member was offered and attended a financial management class after the first Article 15. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her 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.

**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)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Keesler AFB, MS on 20 Aug 98 UP AFI 36-3208, para 5.26.4 (Unsatisfactory Performance). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Dec 74. Enlmt Age: 17 8/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-89, E-53, G-50, M-26. PAFSC: 5J031 - Paralegal Apprentice. DAS: 3 Jan 94.

b. Prior Sv: (1) AFRes 3 Sep 92 - 11 Aug 93 (11 months 9 days) (Inactive).

(2) Enlisted as AB 12 Aug 93 for 4 yrs. Svd: 3 yrs 2 months 16 days, all AMS. AMN - 12 Feb 94. A1C - 12 Dec 94. SrA - 12 Feb 96. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 29 Oct 96 for 4 yrs. Extended 6 Dec 96 for 23 months. Svd: 1 Yrs 9 Mo 22 Das, all AMS.

b. Grade Status: A1C - 6 Feb 98 (Article 15, 8 Apr 98)

c. Time Lost: None.

d. Art 15's: (1) 8 Apr 98, Vacation, Keesler AFB, MS - Article 134. You, being indebted to Harris Originals, an affiliate of Charge Jewelry and Electronics Center, in the sum of \$56.48, for payment of a charge account, which amount became due and payable on or about 1 Jan 98, did, at or near Biloxi, Mississippi, from 1 Jan 98 to 31 Jan 98, dishonorably fail to pay said debt. Further, you, being indebted to [REDACTED] Originals, an affiliate of Charge Jewelry and Electronics Center, in the sum of \$115.78, for payment of a charge account and late fees, which amount became due and payable on or about 1 Feb 98, did, at or near Biloxi, Mississippi, from 1 Jan 98 to 28 Feb 98, dishonorably fail to pay said debt. Further, you, being indebted to [REDACTED] Originals, an affiliate of Charge Jewelry and Electronics Center, in the sum of \$175.08, for payment of a charge account and late fees, which amount became due and payable on or about 1 Mar 98, did, at or near Biloxi, Mississippi, from 1 Jan 98 to 31 Mar 98, dishonorably fail to pay said debt. Reduction to A1C. (No appeal) (No mitigation)

(2) 6 Feb 98, Keesler AFB, MS - Article 92. You, did, between on or about 1 Apr 97 and on or about 28 Jan 98, violate a lawful general regulation, to wit: paragraph 22, AFI 65-104, dated 1 May 96, by failing to pay the balance on your American Express card statement upon receipt, resulting in your account becoming delinquent. Suspended reduction to A1C. (No appeal) (No mitigation)

e. Additional: LOR, 16 JUL 98 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 26 Mar 96 - 24 Feb 97 Keesler AFB 5 (CRO)  
 25 Feb 97 - 14 Oct 97 Keesler AFB 5 (CRO)  
 15 Oct 97 - 15 Mar 98 Keesler AFB 2 (CRO) REF

h. Awards & Decs: AFAM, AFLSAR, AFTR, NDSM, NCOPMER, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (11) Mos (18) Das  
 TAMS: (5) Yrs (0) Mos (9) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 18 Feb 04.  
 (Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on on (sic) isolated incident in 60+ months of service with no other adverse action. This information was also obtained illegally.

ATCH

None.

17MAR04/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

JUL 29 1998

MEMORANDUM FOR A1C [REDACTED]

FROM: 81 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance-Irresponsibility in the management of personal finances. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section E, Paragraph 5.26.4. 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 reasons for this action are:

a. Between on or about 27 Jun 97 and on or about 16 Feb 98, you wrote five checks and you knew, or should have known, you did not have sufficient funds in your bank account to pay the checks upon presentment for payment. You failed to pay those debts from the time of the writing of the checks through 1 Jul 98. For this, you received a letter of reprimand, on 16 Jul 98. (Attachment 1, Appendix A)

b. Between on or about 1 Jan 98 to on or about 31 Mar 98, you, did dishonorably fail to pay an amount in the sum of \$347.34 to [REDACTED] Originals, an Affiliate of Charge Jewelry and Electronics Center, which, became due and payable between on or about 1 Jan 98 and on or about 31 Mar 98, for which, you received vacation action of a suspended punishment on 9 Apr 98, imposed by Article 15 of the UCMJ on 6 Feb 98. (Attachment 1, Appendix B)

c. Between on or about 1 Apr 97, and on or about 28 Jan 98, you did violate a lawful regulation, to wit: paragraph 22, Air Force Instruction 65-104, dated 1 May 96, by failing to pay the balance on your American Express card statement upon receipt, resulting in your account becoming delinquent, for which you received an Article 15 on 6 Feb 98. (Attachment 1, Appendix C)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher 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.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Cpt. [REDACTED] at Bldg 0701, Room 102, on 30 Jul 98 at 1130 hours. You may consult civilian counsel at your own expense.

- 5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 3 Aug 98 by 1630 hours 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 81<sup>st</sup> Medical Group, Physical Exams on 30 July, 1998 at 0700 for the 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 Bldg 0701, CQ.
- 9. Execute the attached acknowledgment and return it to me immediately.



Lt Col, USAF

Commander

Attachments:

- 1. Supporting Documents
  - a. Letter of Reprimand, dtd 16 Jul 98, w/attach.
  - b. AF Form 366, dtd 9 Apr 98, w/attach.
  - c. AF Form 3070, dtd 6 Feb 98, w/attach.
- 2. Airman's Receipt of Notification Memorandum

ATCH 1