

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE	AFSN/SSAN ████████████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOICES OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
	X				
					X

ISSUES	A92.21 A93.09	INDEX NUMBER	A67.10		
				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	
19 May 2004	FD-2004-00067	

APPLICANT'S ISSUE AND THE BOARD'S DECISION

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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00067

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 1. Applicant infers discharge was inequitable because it was too harsh. The records indicated the applicant received two Articles 15, two Letters of Reprimand, an Administrative Reprimand, and had an Unfavorable Information File, and was placed on the Control Roster due to misconduct. His infractions included driving on a suspended license, writing five bad checks to the Defense Accounting and Finance System totaling \$710.00 while deployed to Southwest Asia, failing to pay a just debt, failure to go to scheduled training, using his government travel card for unofficial purposes, and failing to pay the resultant balance. Additionally, member had three Enlisted Performance Reports during the enlistment in question, one rated an overall "3" and the other two both rated overall "2" referrals. These reports detailed member's financial irresponsibility and unsatisfactory progress in the Weight Management Program. Applicant contends his financial problems while overseas were due to his wife having withdrawn funds from their account due to a family emergency, a condition applicant was unaware of when he wrote the bad checks. He further contends those debts were all paid before the deployment ended. With regard to the government travel card abuse, applicant contends he remained an additional day in his TDY location and used the card for gasoline, although his reply to the Article 15 at that time indicated he was having financial difficulties due to a pending divorce. In view of the pattern of misconduct over a 16-month period, the DRB could not substantiate applicant's contentions at this time and opined that through the administrative actions, the applicant had ample opportunities to change his negative behavior. Applicant's personal problems did not appear to be any different or more significant than those endured by other service members who adhere to the standards expected of them. Thus the Board found them of insufficient mitigation or extenuation to warrant an upgrade. 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 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 and is serving his country as a DoD contractor overseas. However, this accomplishment does not directly pertain to his period of service or offer a basis of inequity or impropriety on which to grant an upgrade. The Board concluded applicant's misconduct appropriately characterized his term of service.

If he can provide additional documented information to substantiate his issues, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Eglin AFB, FL on 11 Aug 98 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 May 74. Enlmt Age: 18 3/12. Disch Age: 24 2/12. Educ: HS DIPL. AFQT: N/A. A-79, E-70, G-48, M-60. PAFSC: 2A351C - F-15 Avionic Systems Journeyman. DAS: 23 Aug 96.

b. Prior Sv: (1) AFRes 21 Aug 92 - 27 Sep 92 (1 month 7 days) (Inactive).

(2) Enlisted as AB 28 Sep 92 for 4 yrs. Svd: 3 yrs 2 months 23 days, all AMS. AMN - Unknown. A1C - 28 Jan 94. SrA - 28 Sep 95. EPRs: 3,3.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 22 Dec 95 for 4 yrs. Svd: 2 Yrs 7 Mo 20 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 16 Jun 98, Eglin AFB, FL - Article 134. You, did, within Southwest Asia, from on or about 10 Feb 98 to on or about 21 Mar 98, make and utter to DFAS-LI DSSN6671 a certain check, in words and figures as follows, to wit: check# 234, 10 Feb 98 for \$60.00, check# 240, 26 Feb 98 for \$200.00, check# 244, 6 Mar 98 for \$200.00, check# 245, 14 Mar 98 for \$100.00, and check# 250, 21 Mar 98 for \$150.00, for the purpose of obtaining cash, and did thereafter dishonorably fail to maintain sufficient funds in the Eglin Federal Credit Union for payment of such check in full upon its presentment for payment. Suspended reduction to A1C. (No appeal) (No mitigation)

(2) 10 Apr 97, Eglin AFB, FL - Article 92. You did, within the state of Alabama, on divers occasions, from about 24 Nov 96 to about 25 Nov 96, fail to obey a lawful general instruction, to wit: AFI 65-104, paragraph 4, dated 1 May 96, by using your government travel charge card to make purchases for other than official government travel expenses. You, did, at Eglin AFB, FL, from on or about 2 Jan 97 to about 25 Mar 97, violate a lawful general instruction, to wit: AFI 65-104, paragraph 22, dated 1

May 96, by wrongfully failing to pay the balance on your government travel charge card so that the account became delinquent. Suspended reduction to A1C, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 04 NOV 97 - Financial irresponsibility.
LOR, 17 OCT 97 - Missed appointment.
AR, 13 MAY 97 - Traffic ticket for operating a vehicle with a suspended driver's license.
- f. CM: None.
- g. Record of SV: 28 May 95 - 27 May 96 RAF Lakenheath 3 (Annual)
28 May 96 - 27 May 97 Eglin AFB 2 (Annual)REF
28 May 97 - 06 May 98 Eglin AFB 2 (CRO)REF
- h. Awards & Decs: AFLSAR, AFTR, AFOSSTR, AFOSLTR, AFOUA, AFGCM.
- i. Stmt of Sv: TMS: (5) Yrs (11) Mos (22) Das
TAMS: (5) Yrs (10) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Feb 04
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH
None.

18MAR04/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.
 ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1: Continuation of comments

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I, [redacted], have no supporting documentation physically with me. I am currently a DoD contractor deployed to Iraq and my supporting paperwork is at my home in Fort Walton Beach, Florida. I humbly request of you to please upgrade my discharge to Honorable. When I was in the Airforce I loved almost every minute of the service that I gave. I wished that I could have remained for at least the end of my second enlistment. I was deployed to Bahrain from January 1990 until approximately April 1992. During that time I wrote approx seven checks to finance. That was the only way to receive money because there were no ATM's at that time on the base. Two of my checks bounced nothing totaling no more than \$100.00. The checks went through a second time but my unit found out about the initial bounced checks. Even though the checks had been paid in full by me before the deployment was over. I received an Article 15. I later discovered that the reason the checks bounced in the first place was due to my wife taking money out of the account for the passing of her grandmother and she needed travelling money. I told this to my supervisor but they were dead set on giving the Article 15 anyway.
 (continued on attached sheet)

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)
 2004 02 17

b. SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY
 Army Review Boards Agency
 Support Division, St. Louis
 ATTN: SFMR-RBR-SL
 9700 Page Avenue
 St. Louis, MO 63132-5200
 (See http://arba.army.pentagon.mil)

NAVY & MARINE CORPS
 Naval Council of Personnel Boards
 720 Kennon Street, S.E.
 Rm. 309 (NDRB)
 Washington Navy Yard, DC
 20374-5023

AIR FORCE
 SAF/MIBR
 550-C Street West, Suite 40
 Randolph AFB, TX 78150-4742

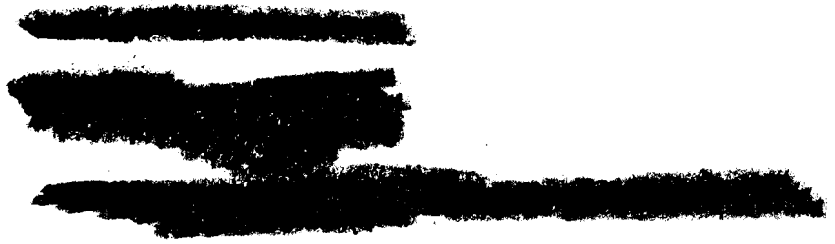
COAST GUARD
 Commandant (G-WPM)
 2100 Second Street, S.W.
 Washington, DC 20593-0001

FD 2004-00067

That was my second Article 15. I received my first Article 15 in 1996 because I charged about \$20.00 to my government AMEX card for gasoline one day after the official day my TDY ended so I could get home. I spent the night one day longer at Tyndall AFB because I was very tired from the previous shift. I was stationed one hour driving time at Eglin AFB. I ask that you please consider giving me an Honorable Discharge. I really appreciate the time you take in reading my comments and I apologize for not having any supporting documentation. I am here in Iraq as a DoD contractor and I will not be home for about a year.

Thank- you.

Sincerely,

A large area of the document is redacted with thick black horizontal bars, obscuring the signature and any text that might have been present below the 'Sincerely,' salutation.



FD 2004-00067

**DEPARTMENT OF THE AIR FORCE
60TH FIGHTER SQUADRON (ACC)
EGLIN AIR FORCE BASE, FLORIDA**

MEMORANDUM FOR SRA [REDACTED]
60 FS (ACC)

25 Jun 98

FROM: 60 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically, Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, 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 reasons for this action are:
 - a. While in Southwest Asia, from on or about 10 Feb 98 to on or about 21 Mar 98 you wrote checks in the amount of \$710.00 for the purpose of obtaining cash, and did thereafter dishonorably fail to maintain sufficient funds in the Eglin Federal Credit Union. For these incidents you received an Article 15 dated 22 Jun 98. Your punishment consisted of reduction to the grade of Airman First Class, which was suspended until 15 Dec 98, after which time it will be remitted without further action, unless sooner vacated and it was added to your Unfavorable Information File (UIF).
 - b. On the 23, 24, and 31 of Oct 97, you dishonorably failed to pay your debt of \$122.00 that you had accrued on 9 Oct 97 from Panhandle Cash Cow. For this incident you received a Letter of Reprimand dated 4 Nov 97, were placed on a control roster and it was added to your UIF.
 - c. On 8 Oct 97 you failed to appear on time for a scheduled appointment for Chemical Warfare refresher training, though you had proper notification and were afforded every opportunity to comply with this mandatory formation. For this incident you received a Letter of Reprimand dated 17 Oct 97 and it was added to your UIF.
 - d. On or about 24 Nov 96 to about 25 Nov 96, you failed to obey a lawful general instruction by using your government travel charge card to make purchases for other than official government travel expenses. Also from on or about 2 Jan 97 to about 25 Mar 97, you violated a lawful general instruction by wrongfully failing to pay the balance on your government travel charge card so that the account became delinquent. For these incidents you received an Article 15 dated 14 Apr 97. Your punishment consisted of reduction to the grade of Airman First Class, suspended until 9 Oct 97, after which time it

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was to be remitted without further action, unless sooner vacated, and forty-five days extra duty and a reprimand and it was added to your UIF.

e. On 19 Apr 97, you were stopped by the Security Police on base for failure to maintain lane. A check of your Colorado license revealed that your license was suspended. Your actions were in violation of Article 92, of the UCMJ, Failure to Obey Order or Regulation. For this incident you received an Administrative Reprimand dated 13 May 97 and it was added to your UIF.

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 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. Special pay, bonuses, 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 Capt. [REDACTED] at building 8, ext. 882-4185, on 29 Jun 98 at 0930 hours. 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** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You will complete a medical examination with the 96th Medical Group on 1 Jul 98, at 0715 hours.
8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on 26 Jun 98, at 0730 hours.
9. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on 30 Jun 98, at 0800 hours.

10. 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 unit orderly room.



Lt Col, USAF
Commander, 60 FS

2 Attachments:

1. Supporting Documents

- 1a. Article 15, dated 22 Jun 98 and UIF
- 1b. LOR, dated 4 Nov 97 and UIF/Control Roster
- 1c. LOR dated 17 Oct 97 and UIF
- 1d. Article 15, dated 14 Apr 97 and UIF
- 1e. AR, dated 13 May 97 and UIF

2. Airman's Acknowledgment