

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		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 A92.21 A93.11	INDEX NUMBER A67.90	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 06 Aug 2004	CASE NUMBER FD-2004-00132	
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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.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 8/9/2004
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-2004-00132

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change his reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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 contends discharge was inequitable because it was too harsh. He stated he had financial problems because his wife was diagnosed with cancer and could no longer work to help pay the bills. The records indicated the applicant received an Article 15, a vacation of suspended punishment, five Letters of Reprimand, had an Unfavorable Information File, and was placed on the Control Roster for misconduct. His infractions included writing numerous bad checks, failing to pay various bills, making a false official statement, and a domestic altercation. Applicant was recommended for discharge in October 2002, and in his reply to that action, he explained the circumstances of his misconduct, and apparently dissuaded his commander from processing the discharge, thus giving him another chance to prove he could be a productive airman without further misconduct. Unfortunately he had three additional incidents within the next 3 months and so his commander once again decided to recommend him for discharge. At the time of the second recommendation, member consulted counsel and again made a statement in his own behalf requesting retention. In neither of his replies to either discharge recommendation did member state anything regarding his wife's medical condition or ability to work. The explanations for his financial misconduct never concerned the contention he brings to the DRB now. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior and was unable or unwilling to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the discharge characterization applicant received was 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, this information does not pertain to his period of service and no inequity or impropriety in his discharge was suggested or found in the course of the record review. The Board concluded the applicant's misconduct 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch from MacDill AFB, FL on 28 Jan 03 UP AFI 36-3208, para 5.50.4 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for an Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 8 Mar 80. Enlmt Age: 20 11/12. Disch Age: 22 10/12. Educ: HS DIPL. AFQT: N/A. A-51, E-43, G-42, M-44. PAFSC: 2A531G - Aerospace Maintenance Apprentice. DAS: 18 Sep 01.

b. Prior Sv: (1) AFRes 15 Feb 01 - 26 Feb 01 (12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 27 Feb 01 for 6 yrs. Svd: 1 Yrs 11 Mo 2 Das, all AMS.

b. Grade Status: AMN - 22 Aug 02 (Vacation of Article 15, 3 Oct 02)

c. Time Lost: None.

d. Art 15's: (1) 3 Oct 02, Vacation, MacDill AFB, FL - Article 134. You, did, at or near Tampa, FL, between on or about 12 Jul 02 and between on or about 29 Jul 02, with intent to defraud and for the procurement of lawful currency, wrongfully and unlawfully make and utter to Bank of America, certain checks for the payment of money, drawn upon MacDill Federal Credit Union, of a total amount of about \$801.50, and signed [REDACTED]; then known that you, the 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. Reduction to Airman. (No appeal) (No mitigation)

(2) 22 Aug 02, MacDill AFB, FL - Article 134. You, did, at or near Tampa, FL, on or about 6 Jul 02, make and utter to [REDACTED] a certain check, in words and figures as follows, to wit: Check #101 in the amount of \$500.00, dated 6 Jul 02 and signed by you, [REDACTED], for an item of value, and did thereafter, dishonorably fail to maintain sufficient funds in the Capitol One Bank for payment of such check in full upon its presentment for payment. You, being indebted to Custom World of Tampa in the sum of \$351.00 for a grill insert, which became

due and payable on or about 18 Jul 02, did, at or near Tampa, FL, from on or about 18 Jul 02 to on or about 12 Aug 02, dishonorably fail to pay said debt. You, being indebted to Florida Internet in the some of \$60.00 for internet service, which became due and payable on or about 15 Mar 02, did, at or near Tampa, Florida, from on about 15 Apr 02 to on or about 15 Jul 02, dishonorably fail to pay said debt. Suspended reduction to Airman. Thirty days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 27 DEC 02 - Financial irresponsibility.
LOR, 17 DEC 02 - Domestic violence.
LOR, 06 NOV 02 - Financial irresponsibility.
LOR, 19 JUN 02 - Financial irresponsibility.
LOR, 06 FEB 02 - Financial irresponsibility.
- f. CM: None.
- g. Record of SV: 27 Feb 01 - 27 Oct 02 MacDill AFB 2 (Initial)REF
- h. Awards & Decs: AFTR, NDSM, BMT.
- i. Stmt of Sv: TMS: (1) Yrs (11) Mos (14) Das
TAMS: (1) Yrs (11) Mos (2) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 5 Apr 04.

(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: I was in the Air Force 2 year (sic) also 1 year 17 months. I loved my job and what I did. I was a good hard worker. But I had some finance problem (sic) when my wife was told she had cancer and could not work any more (sic) the bill fell on me. I admit I had some trouble with them but the reason I got discharge (sic) was because of my furniture payment and for other thing that you can see in my records. But Sir/Mama (sic) that's all behind me know (sic). I have been out of the service a year and 7 months. The Air Force was my life and I would like a chance to serve my country again. My recruiter told me to send in this form to see if I can get my code upgraded and my discharge and he could put me back in the Air Force. I made a mistake once I would not my (sic) the same mistake twice. I have been working at UPS for the past year now. I have no furniture payment. I own everything in my home. All I ask Sir/Ma'ma (sic) is for a second chance at my carrer (sic). Please grant me this opporrttyny (sic) to serve in the United States Air Force again.

ATCH

- 1. None.

11JUN04/ia



DEPARTMENT OF THE AIR FORCE
6TH AIR MOBILITY WING (AMC)
MACDILL AIR FORCE BASE, FLORIDA

FD 2004-00132

8 JAN 03

MEMORANDUM FOR AIRMAN [REDACTED]

FROM: 6 AMXS/CC

SUBJECT: Notification Memorandum

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, Chapter 5, Section H, paragraph 5.50.4. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as an under honorable conditions (general).
2. My reasons for this action are as follows:
 - a. On or about 23 Dec 02, you dishonorably failed to pay your debt to Buddy's Home Furnishing in the sum of \$247.94, which became due and payable on 15 Dec 02. Additionally, you gave a false statement to [REDACTED] when you stated that you did not have any of the items for which were invoiced to you by Buddy's Home Furnishing when in fact you did. These incidents resulted in a Letter of Reprimand, dated 27 Dec 02 (Tab B).
 - b. On or about 8 Dec 02, you were involved in a physical altercation with your wife resulting in your being arrested by Tampa Police Department for domestic violence. This incident resulted in a Letter of Reprimand, dated 17 Dec 02. This document was placed in your Unfavorable Information File (Tab C).
 - c. On or about 5 Nov 02, you dishonorably failed to pay your debt to Camden Rental Corporation in the sum of \$1293.16. Also, on or about 6 Nov 02 you dishonorably failed to pay your Military Star account, which was past due in the amount of \$148.00. Additionally, you made a false statement to [REDACTED] after being questioned about an AAFES Debt on your LES. You stated that it was an allotment to the Military Star account, when actually it was a debt to AAFES in the sum of \$286.95 for your returned checks and fees. You also failed to comply with an order from [REDACTED] to remain at your work center until he knew what was going on with your late payments. These incidents resulted in a Letter of Reprimand, dated 6 Nov 02. This document was placed in your Unfavorable Information File, and you were placed on a control roster, dated 21 Nov 02. (Tab D)
 - d. On or about 18 Sep 02, you dishonorably failed to pay your debt to Aaron's Sales and Lease in the sum of \$186.24, which became due and payable on 18 Sep 02. Additionally, between on or about 12 Jul 02 and on or about 29 Jul 02, with intent to defraud and for the procurement of lawful currency, you wrongfully and unlawfully made and utter to Bank of America certain checks for the payment of money, drawn upon MacDill Federal Credit Union in the amount of \$801.50. More specifically, you failed to maintain sufficient funds in or credit with said bank for the payment of said checks. These incidents resulted in a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, AF Form 366, dated 26 Sep 02 (Tab E).

e. On or about 6 Jul 02, you made and uttered to [REDACTED] a certain check, in words and figures as follows, to wit: Check # 101 in the amount of \$500.00 dated 6 Jul 02 and signed by you, for an item of value, and did thereafter dishonorably failed to maintain sufficient funds in the Capital One Bank for payment of such check in full upon its presentment for payment. Furthermore, you being indebted to Custom World of Tampa in the sum of \$351.00 for a grill insert, which became due and payable on 18 Jul 02, did dishonorably fail to pay said debt. Also, you being indebted to Florida Internet in the amount of \$60.00 for internet service, which became due and payable on or about 15 Mar 02. You did between on or about 15 Apr 02 to on or about 15 Jul 02, dishonorably failed to pay said debt. This incident resulted in Nonjudicial Punishment under Article 15, Uniform Code of Military Justice, dated 22 Aug 02 (Tab F).

f. On 11 Jun 02, you were delinquent paying your Army and Air Force Exchange Service STAR account and were instructed to bring the account current at the earliest possible time. This incident resulted in a Letter of Reprimand, dated 19 Jun 02. This document was placed in your Unfavorable Information File, dated 24 Jun 02 (Tabs G & H).

g. On 15 Dec 01, you issued a check to Pay Day Advance (Advance America) in the amount of \$500.00 and there were not sufficient funds to cover the check. Additionally, you were over eleven weeks behind on your payment to [REDACTED], which resulted in the repossession of the merchandise. This incident resulted in a Letter of Reprimand, dated 6 Feb 02. An Unfavorable Information File was established, dated 21 Mar 02 and the document was placed therein. (Tabs I & J).

3. 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, and any special pay, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. Military counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] on 8 Jan 03 at 1300 hrs. 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 135AN 03/1300HRS 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 have been scheduled for a medical examination. You must report to the 6th Medical Group Hospital - Physical Exams, at 0730 hours on 9 Jan 03 for the examination. **You must report to the Physical Exams Section 30 minutes prior to pick up your DD Form 2697.**
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 Orderly Room.

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



Commander, 6th Aircraft Maintenance Squadron

Attachments:

- a. Respondent's Acknowledgment
- b. Letter of Reprimand, dated 27 Dec 02
- c. Letter of Reprimand, dated 17 Dec 02
- d. Letter of Reprimand, dated 6 Nov 02
- e. AF Form 366, Record of Proceedings of Vacation of Suspended Nonjudicial Punishment, dated 2 Oct 02
- f. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 22 Aug 02
- g. Letter of Reprimand, dated 19 Jun 02
- h. AF Form 1058 Unfavorable Information File Action, dated 24 Jun 02
- i. Letter of Reprimand, dated 6 Feb 02
- j. AF Form 1058 Unfavorable Information File Action, dated 21 Mar 02