

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.11 A93.07	INDEX NUMBER A47.00	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 18 Aug 2004	CASE NUMBER FD-2004-00195
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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 RECORDING OFFICER [REDACTED] SIGNATURE OF BOARD MEMBER [REDACTED]

RE [REDACTED]

INDORSEMENT **DATE: 8/18/2004**

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-2004-00195

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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 applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUES. Applicant was discharged for minor disciplinary infractions, failure in the management of personal finances, and dishonorable failure to pay just debts. During his second enlistment his misconduct included numerous instances of writing worthless checks and failure to pay just debts to various businesses, including the Army Air Force Exchange Service, American Express government travel card, and enlisted open mess club. He also misused his government travel card for personal purposes, including making a down payment on a car which was later repossessed. At the time of the discharge, applicant was recommended to receive an under other than honorable conditions discharge due to the extensive and very serious nature of his misconduct. He consulted counsel and submitted a waiver of his right to an administrative discharge board hearing conditioned upon receipt of no less than a general discharge. The request was approved. Applicant now contends his former wife wastefully spent money and created the bills, which he made no "serious attempt" to prevent. He also notes his budget is now in order. The Board noted that at the time of the discharge member waived his right to submit statements in his own behalf, and there was no evidence in the record to substantiate applicant's contentions. Thus the Board concluded that member was responsible for his actions of misconduct and was held accountable for those. He was counseled repeatedly and given numerous opportunities to improve his behavior but failed to respond to those rehabilitative efforts. No inequity or impropriety was found in this discharge in the course of the records review.

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 Vandenberg AFB, CA on 1 Dec 95 UP AFI 36-3208, paragraphs 5.26.4, 5.49, and 5.50.4 (Failure in the Management of Personal Finances, Minor Disciplinary Infractions, and Failure to Pay Just Debts). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Oct 69. Enlmt Age: 18 4/12. Disch Age: 26 1/12. Educ: HS DIPL. AFQT: N/A. A-92, E-58, G-66, M-43. PAFSC: 2M051 - Morale, Welfare, Recreation, and Services Journeyman. DAS: 21 Jul 94.

b. Prior Sv: (1) AFRes 11 Feb 88 - 18 Sep 88 (7 months 8 days) (Inactive).

(2) Enlisted as A1C 19 Sep 88 for 4 yrs. Extended 23 May 91 for 23 months. Svd: 5 yrs 0 months 23 days, all AMS. SRA - 19 Jan 91. EPRs: 4,3,4,3,3,3,2(REF).

ART 15: 18 Feb 93, Rhein-Main AB, Germany - Article 92. You, who knew of your duties, on divers occasions between on or about 1 May 92, and on or about 21 Jan 93, were derelict in the performance of those duties, in that you willfully failed to register and insure your passenger car before operating it on the installation's streets. Suspended reduction to A1C, and 30 days extra duty. (No Appeal) (No mitigation).

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 8 Oct 93 for 4 yrs. Svd: 2 Yrs 1 Mo 23 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 07 SEP 95 - Failed housing inspection.
MFR, 21 AUG 95 - Financial Irresponsibility.

f. CM: None.

g. Record of SV: 26 Apr 93 - 11 Nov 93 Frankfurt IAP 4 (CRO)
12 Nov 93 - 19 Jun 94 Frankfurt IAP 4 (CRO)
20 Jun 94 - 19 Jun 95 Vandenberg AFB 4 (Annual)

h. Awards & Decs: AFLSAR, AFTR, NDSM, NCOPMER, AFOUA W/1 DEV, AFGCM W/1
DEV.

i. Stmt of Sv: TMS: (7) Yrs (9) Mos (14) Das
TAMS: (7) Yrs (2) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 May 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. VVALS Discharge Upgrade Questionnaire.
4. Request for Records.
5. Privacy Act Waiver.

16JUL04/ia

STATEMENT IN SUPPORT OF CLAIM

PRIVACY ACT INFORMATION: The law authorizes us to request the information we are asking you to provide on this form. (38 U.S.C. 210(c) (1)) The responses you submit are considered confidential. (38 U.S.C. 3301) They may be disclosed outside the Department of Veterans Affairs (VA) only if the disclosure is authorized by the Privacy Act, including the routine uses identified in the system of records, 58VA21/22, Compensation, Pension, Education and Rehabilitation Records-VA, published in the Federal Register. The requested information is considered relevant and necessary to determine maximum benefits under the law. Information submitted is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: Public reporting burden for this collection of information is estimated to average 1/4 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the VA Clearance Officer (732), 810 Vermont Ave., NW, Washington, DC 20420; and to the office of Management and Budget, Paperwork Reduction Project (2900-0075) Washington, DC 20503. Do not send requests for benefits to these addresses.

FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)

SOCIAL SECURITY NO.

VA FILE NO.

[REDACTED]

[REDACTED]

C-

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:

MY DISCHARGE WAS DUE PRIMARILY TO POOR PERSONAL FINANCIAL MANAGEMENT.

I ALLOWED [REDACTED] MY WIFE FROM AUGUST 1990 UNTIL THE FILING OF DIVORCE IN JANUARY 1996, TO CREATE BILLS AND WASTEFULLY SPEND MONEY I MADE, WITHOUT MAKING A SERIOUS ATTEMPT TO PREVENT HER.

SINCE THAT TIME. A SERIOUS EFFORT HAS BEEN MADE TO PAY OFF ALL DEBTS INCURRED DURING MY MILITARY SERVICE. A WELL THOUGHT OUT AND ORGANIZED FINANCIAL BUDGET HAS BEEN PLANNED OUT TO BE IMPLEMENTED BY ME SINCE MY DIVORCE. THIS WILL CONTINUE INDEFINITELY.

(CONTINUE ON REVERSE)

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE

[REDACTED SIGNATURE]

DATE SIGNED

5-20-2004

ADDRESS

PENALTY - The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of false evidence of a material fact, knowing it to be false.

e:
dress:



Service Number:



FD 2004-00195

ATTACHMENT: ISSUES

DRB or BCMR: The following issues are the reasons I believe my discharge should be upgraded to Honorable. If you disagree, please explain in detail why you disagree.

- Under current standards, I would not receive the type of discharge I did.
- My conduct and efficiency ratings/behavior and proficiency marks were mostly pretty good. [A92.02]
- I received awards and decorations. [A92.04]
- I received letters of commendation. [A92.06]
- I had combat service. [A92.08]
- I was wounded in action. [A92.10]
- My record of promotions showed I was generally a good servicemember. [A92.12]
- There were other acts of merit. [A92.16]
- I was so close to finishing my tour that it was unfair to give me a bad discharge. [A92.18]
- I had a prior Honorable Discharge. [A92.20]
- I have been a good citizen since discharge. [A92.22]
- My record of NJP's/Article 15's indicates only isolated or minor offenses. [A92.24]
- My record of court-martial convictions indicates only isolated or minor offenses. [A92.26]
- My record of convictions by civil authorities while I was in service indicates only minor or isolated offenses. [A92.28]
- My record of AWOL/UA indicates only minor or isolated offenses. [A92.30]
- My ability to serve was impaired by my youth and immaturity. [A93.02]
- My low aptitude scores and level of education impaired my ability to serve. [A93.04]
- My ability to serve was impaired by my deprived background. [A93.06]
- My ability to serve was impaired because of marital and family problems. [A93.08]
- Personal problems impaired my ability to serve. [A93.10]
- Financial problems impaired my ability to serve. [A93.12]
- I suffered religious discrimination and that impaired my ability to serve. [A93.14]
- I faced racial discrimination and that impaired my ability to serve. [A93.16]
- My use of drugs impaired my ability to serve. [A93.18]
- My use of alcohol impaired my ability to serve. [A93.20]
- Medical or physical problems I had impaired my ability to serve. [A93.22]
- Psychiatric problems I had impaired my ability to serve. [A93.24]
- There were matters of conscience that impaired my ability to be a "good" servicemember. [A93.26]
- There was a waiver of moral standards when I enlisted; those pre-service problems impaired my ability to serve. [A93.28]



- My ability to serve was impaired because I was not working in the field I was trained for.
- My ability to serve was impaired because I couldn't speak English very well.
- The punishment I got was too severe compared with today's standards. [A94.02]
- The punishment I got at discharge was too harsh—it was much worse than most people got for the same offense. [94.06]
- I tried to serve and wanted to, but just couldn't or wasn't able to. [A94.04]
- My discharge was based on many offenses, but they were mostly only minor offenses. [A94.10]
- My command abused its authority when it decided to discharge me and decided to give me a bad discharge. [A94.12]
- When I got back from Vietnam, I just couldn't take state-side duty. [A94.14]
- I had applied or tried to apply for conscientious objector status, but was unfairly denied or told to forget it. [A99.02]
- I had applied or tried to apply for a hardship discharge but was unfairly denied or told to forget it. [A99.04]
- I had applied or tried to apply for a compassionate reassignment but was unfairly denied or told to forget it. [A99.12]
- My enlistment option was not satisfied or waived. [A99.10]
- I was being considered for a physical disability discharge and was unfairly denied one. [A99.14]
- I should have been given a medical discharge because I never was medically qualified to serve.
- I was enlisted illegally. [A99.06]
- I was drafted illegally. [A99.08]
- [other reasons]

Please make an extra copy of your Attachment and send it to the Veterans Education Project (Dept. DU, PO Box 2130, Washington DC 20015). We are trying to keep track of the number of veterans who use this Guide.

ADDRESSES AND PHONE NUMBERS OF THE BOARDS

These are the addresses for the DRBs and BCMRS listed on the application forms. A Board may give you another address to use after you file your application. The phone numbers are for the Washington DC-area offices of the Boards.

- Navy (and Marine Corps) DRB: 801 N. Randolph St., Arlington VA 22203; 202-696-4881
- Navy (and Marine Corps) BCNR: Dept. of the Navy, Washington DC 20370; 202-694-1765
- Air Force DRB: AFMPC/MPCDOA1, Randolph AFB, TX 78150; 202-694-5694
- Air Force BCMR: USAFMPC/DPMDOA1, Randolph AFB TX 78148; 202-697-6470

- Army DRB: CO, USARPAC, 9700 Page Blvd., St. Louis MO 63132; 202-692-4565
- Army BCMR: same as Army DRB; 202-695-4298

DEPARTMENT OF THE AIR FORCE
30TH SPACE WING (AFSPACECOM)

FD2004-00195



9 Nov 1995

MEMORANDUM FOR SrA [REDACTED]

FROM: 30 SVS/CC
1036 California Boulevard
Vandenberg AFB, CA 93437-6202

SUBJECT: Notification of Administrative Discharge Action Under AFI 36-3208
(Board Entitled)

1. I am recommending your discharge from the United States Air Force for failure in the management of personal finances, minor disciplinary infractions, and dishonorable failure to pay just debts. The authority for this action is AFPD 36-32 and AFI 36-3208, Paragraphs 5.26.4, 5.49, and 5.50.4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.

2. My reasons for this action are:

a. On various occasions between 1 May 92 and 21 Jan 93, at Rhein-Main Air Base, Germany, you failed to register and insure your POV before operating it on the installation. As a result, you received Article 15 punishment, which included a suspended reduction and 30 days extra duties (Atch 1).

b. On 27 Jun 95, you were delinquent in the payment of your government issued American Express Card. Specifically, you were 30 days delinquent in the amount of \$702.05, 60 days delinquent in the amount of \$1,525.78 and 90 days delinquent in the amount of \$513.75, for a total of \$2,741.58 (Atch 2).

c. On 28 Jul 95, you were again delinquent in the payment of your government issued American Express Card. Specifically, you were 60 days delinquent in the amount of \$702.05, 90 days delinquent in the amount of \$1,525.78 and 120 days delinquent in the amount of \$513.75, for a total of \$2,741.58. Your account was terminated by American Express, effective 11 Aug 95 (Atch 3).

d. On 17 Aug 95, you were delinquent, specifically, two payments past due, on your AAFES DPP account and your charging privileges were suspended (Atch 4). As of 4 Oct 95,

your DPP account was three months overdue and had to be placed into involuntary payroll deduction status.

e. On or about 21 Aug 95, it was discovered that you had, on numerous occasions between 31 Mar 95 and 30 April 95, used your government issued American Express card to make unauthorized cash advances totaling nearly \$2,000.00 (Atch 5). You then used the money as a down payment for a family vehicle. As a result, you were counseled by Capt. [REDACTED] Deputy Chief of the Services Squadron, who had to make special arrangements to pay off the delinquent American Express account (Atch 6).

f. On 22 and 23 Aug 95, you received your third notices for two base housing inspection violations (Atchs 7 and 8). You had failed to take corrective action on both violations despite two previous notifications. Per Col [REDACTED] 30 CES/CC, this placed you in jeopardy of having your base housing privileges revoked. As a result, you received a letter of reprimand (Atch 9).

g. On or about 29 Aug 95, you were 30 days delinquent in the payment of your Enlisted Club bill (Atch 10). As a result, you were counseled by your supervisor on 8 Sep 95 (Atch 11).

h. On or about 29 Sep 95, you were 60 days delinquent in the payment of your Enlisted Club bill (Atch 12), despite having been counseled on this subject by your supervisor the previous month.

3. If my recommendation is approved, the worst possible characterization of service you may receive is under other than honorable conditions (UOTHC). I am recommending that your service be characterized as under other than honorable conditions. 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 discharge action is approved, how your discharge will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. Furthermore, any special pay, bonuses, or education assistance you have received may be subject to recoupment.

4. You have the right to:

- a. Consult counsel;
- b. Present your case to an administrative discharge board;
- c. Be represented by legal counsel at a board hearing;
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing;

e. Waive any or all of the above rights. *You must consult legal counsel before making a decision to waive any of your rights.*

5. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED] at the Area Defense Counsel, Building 8220, ext. 6-3627/28, at 1030 hours on 15 Nov 95. Instead of the appointed counsel, you may have another counsel, if the lawyer you request is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

6. Confer with your counsel and reply, in writing, within **7 duty days**, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the separation authority with the case file to be considered with this recommendation. *If you fail to respond within 7 duty days without an approved extension, your failure will constitute a waiver of your right to a board hearing.*

7. Any personal information you furnish in rebuttal to this action is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at the office of the Area Defense Counsel, Building 8220.

8. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at a board hearing.

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

[REDACTED]
[REDACTED], Maj, USAF
Commander

Attachments:

1. AF Form 3070, dated 12 Feb 93
2. American Express Monthly Aging Analysis, dated 27 Jun 95
3. American Express Cancellation Report, dated 28 Jul 95
4. AAFES DPP Delinquency Notice, dated 17 Aug 95
5. American Express Account Activity Report, dated 28 April 95
6. Capt [REDACTED] Memo For Record, dated 21 Aug 95
7. 30 CES/CC Memorandum
8. 30 CES/CC Memorandum
9. LOR, dated 7 Sep 95 w/ Atchs
10. Enlisted Club Delinquency Notice
11. SSgt [REDACTED] Memo For Record
12. Enlisted Club Delinquency Notice