

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

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

<b>ISSUES</b> A94.11 A93.11 A94.05	<b>INDEX NUMBER</b> A67.90	<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> 16 Sep 2004	<b>CASE NUMBER</b> FD-2004-00206	
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**ADVICE ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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.

*[Handwritten Signature]*

<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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00206**

**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. Applicant was discharged for conduct prejudicial to good order and discipline. Applicant contends discharge was inequitable because it was too harsh and that she was singled out. The records indicated the applicant received two Articles 15, three Letters of Reprimand, and two tickets for speeding on base. Her other infractions included being late for a mandatory Career Development Course study session, being 90 days delinquent on her base club account, failing to pay a deficiency judgment for a repossessed car, failing to obey a direct order, and failing to pay her rent, as well as late fees and returned check fees on a separate rent debt. Although member was referred to the Personal Financial Management Program, her financial misconduct continued afterward. Member also had two referral Enlisted Performance Reports that chronicled her on-going financial problems. Applicant now claims that she had disclosed pre-service financial difficulties to her recruiter, however none of her pre-service documentation, Personnel Security Questionnaire, or the recruiter's applicant history form bears this out. The DRB opined that through the unit's several administrative actions, the applicant had ample opportunities to change her negative behavior but was unwilling or unable 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 was appropriate.

Issue 2. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366, on June 23, 2000) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Elmendorf AFB, AK on 29 Apr 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Jan 80. Enlmt Age: 20 3/12. Disch Age: 23 3/12. Educ: HS DIPL. AFQT: N/A. A-37, E-28, G-48, M-31. PAFSC: 3M051 - Services Journeyman. DAS: 11 Oct 00.

b. Prior Sv: (1) AFRes 19 Apr 00 - 6 Jun 00 (1 month 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Jun 00 for 4 yrs. Svd: 2 Yrs 10 Mo 23 Das, all AMS.

b. Grade Status: AMN - 11 Mar 03 (Article 15, 11 Mar 03)  
A1C - 07 Oct 01

c. Time Lost: None.

d. Art 15's: (1) 11 Mar 03, Elmendorf AFB, AK - Article 134. You, did, at or near Eagle River, Alaska, on or about 1 Feb 03, make and utter to Emmi-List Partnership a certain check, in words and figures as follows, to wit: Check #1111, dated 1 Feb 02 for \$825.00, for the purpose of paying rent and did thereafter dishonorably fail to maintain sufficient funds in the USAA Federal Savings Bank for payment of such check in full upon its presentment for payment. You, being indebted to Emmi-List Properties in the sum of \$150.00 for fees and returned check fees, which amount became due and payable between on or about 5 Feb 03 and on or about 20 Feb 03, did at or near Eagle River, Alaska, from between on or about 5 Feb 03 to on or about 20 Feb 03 dishonorably fail to pay said debt. Reduction to Airman. Suspended forfeiture of \$645.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

(2) 1 Jul 02, Elmendorf AFB, AK - Article 134. You, being indebted to Affordable Loan Company in the sum of \$4,911.91 for a deficiency balance from the repossession of your vehicle, which amount became due and payable on or about 5 Feb 02, did, from on or about 5 Feb 02, to on or about 20 Jun 02, dishonorably fail to pay said debt.

Suspended reduction to Airman. Thirty days extra duty and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 07 FEB 03 - Failure to obey a lawful order.  
DD 1408, 13 APR 02 - Speeding.  
TCDE, 27 MAR 03 - Speeding.  
LOR, 11 MAR 02 - Financial irresponsibility.  
LOR, 16 JUL 01 - Late for mandatory study session.
- f. CM: None.
- g. Record of SV: 7 Jun 00 - 7 Feb 02 Elmendorf AFB 3 (Initial)REF  
8 Feb 02 - 7 Feb 03 Elmendorf AFB 4 (Annual)REF
- h. Awards & Decs: AFTR, AFOUA, NDSM.
- i. Stmt of Sv: TMS: (3) Yrs (0) Mos (11) Das  
TAMS: (2) Yrs (10) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 May 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BREIF.

**ATCH**

1. Applicant's Issues.

3AUG04/ia



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

FD 2004-00206

APR 9 2003

MEMORANDUM FOR AMN [REDACTED], 3 SVS

FROM: 3 SVS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending a general discharge.
2. My reasons for this action are:
  - a. On or about 1 Feb 03, you dishonorably failed to maintain sufficient funds for an \$825.00 check you wrote to Emmi-List Partnership for rent. Between on or about 5 Feb 03 and 20 Feb 03, you failed to pay your just debt to Emmi-List Properties in the amount of \$150.00 for fees and returned check fees resulting from the returned rent check. For these offenses you received Article 15 punishment, dated 11 Mar 03, of a reduction to the grade of airman, forfeiture of \$645.00 pay per month for 2 months, 15 days extra duty and a reprimand. An Unfavorable Information File (UIF) entry was accomplished (Attachments 1 and 8).
  - b. On 17 Jan 03, you failed to obey TSgt [REDACTED] order to apply for vehicle base decals, an order that was given to you on 6 Jan 03. In addition, on 17 Jan 03, you made disparaging comments to another Air Force member concerning food that the member may or may not get from the Flight Kitchen. For these actions, you received a Letter of Reprimand (LOR), dated 7 Feb 03 (Attachment 2)
  - c. Between on or about 5 Feb 02 and on or about 20 Jun 02, you failed to pay a just debt in the amount of \$4911.91 to Affordable Loan Company for a deficiency balance resulting from repossession of your vehicle. For this failure to pay a just debt, you received Article 15 punishment, dated 1 Jul 02, of a suspended reduction to the grade of airman, 30 days extra duty and a reprimand. A UIF was established based upon this Article 15 (Attachments 3 and 8).
  - d. On 13 Apr 02, you drove your vehicle on Elmendorf AFB in excess of the posted speed limit. 3 SFS stopped you and issued a DD Form 1408, dated 13 Apr 03, for driving 41 mph in a 25 mph zone. You were also assessed 5 points against your base driving record (Attachment 4).
  - e. In Apr 02, you drove you vehicle on Elmendorf AFB in excess of the posted speed limit. 3 SFS stopped you and issued a citation for driving 5-10 miles over the posted speed limit. You were assessed 3 points against your base driving record (Attachment 5).

f. On 22 Feb 02, you were delinquent for 90 days on your Elmendorf Air Force Base Enlisted Club card. On 22 Feb 02, notification of this delinquency was sent to 3rd Services Squadron. You made a payment of \$74.00, however, you failed to maintain sufficient funds in your checking account to cover the check payment. For this failure you received a LOR, dated 11 Mar 02 (Attachment 6).

g. On 13 Jul 01, you were 45 minutes late for your one hour mandatory Career Development Course study session. For this failure to go, you received a LOR, dated 16 Jul 01 (Attachment 7).

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 are discharged or retained in the Air Force. 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 legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Cap [REDACTED] at Bldg 10480, Room 330 on 10 Apr 03 at 0830. 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 three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide to the separation authority.

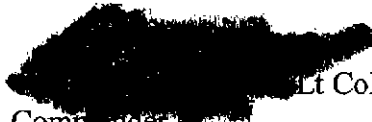
6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 1430 on 17 Apr 03 for your first exam, at which time you will be notified of the time for your second exam. Bring Medical Assessment Letter (DD Form 2697). You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1500 on 10 Apr 03. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Room 247 at 073 on 10 Apr 03. You must be in uniform for all appointments.

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9. 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 at your Squadron Orderly Room.

  
Lt Col, USAF  
Commander

Attachments:

1. AF Form 3070, 11 Mar 03
2. LOR, 7 Feb 03
3. AF Form 3070, 1 Jul 02
4. DD Form 1408, 13 Apr 02
5. Traffic Citation Database Excerpt, dated 27 Mar 03
6. LOR, 11 Mar 02
7. LOR, 16 Jul 01
8. AF Form 1137