

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00212

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

ISSUE 1: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a Letter of Reprimand, and two Letters of Counseling for financial irresponsibility, lying, and making a false official statement. 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. Applicant states that under current standards, she would not have received the type of discharge she did receive. This issue is without merit. These same incidents today would result in the same discharge characterization.

ISSUE 2. Applicant claims that her roommate at the time stole some of her credit cards and checks from her room while she was away on vacation and that the roommate ran up her phone bill to over \$1300. She claims she reported this to the First Sergeant and Supervisor at the time and that they were no help because they said the debt was ultimately hers and there was no way to go after her once she had been discharged. This issue is without merit. There is nothing in the record to substantiate this issue. And, the applicant waived her right to submit statements at the time of the discharge. This would have been the time to tell the Commander just what had happened and tried to prove her case. She submitted nothing.

ISSUE 3. Applicant states that the debt that was incurred was resolved or paid by her and she had all of her debt paid before she was discharged from the military. The board was glad to see the applicant took responsibility for her action.

ISSUE 4. The applicant felt that she was treated unjustly by her squadron because she had no one to speak on her behalf. She claims there was a written statement from her roommate signed by her supervisor and the roommates' supervisor stating the things that she did and that it was put in her permanent record. This issue is without merit. There is nothing in the permanent record, nor did this information surface at the time of discharge.

ISSUE 5. Applicant contends that she was very naïve and trusting when she first joined the military and had no knowledge of how some people manipulated others. This is not a matter of inequity or impropriety for the board.

ISSUE 6 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, no inequity or impropriety in her discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized her 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

(Former AB) (HGH AMN)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Loring AFB, ME on 16 Feb 93 UP AFR 39-10, para 5-47d (Misconduct - Dishonorable Failure to Pay Just Debts). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. BACKGROUND:

a. DOB: 7 Aug 72. Enlmt Age: 18 10/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-80, E-46, G-55, M-38. PAFSC: 64550 - Inventory Management Specialist. DAS: 17 Feb 92.


b. Prior Sv: (1) AFRes 2 Jul 91 - 15 Oct 91 (3 months 14 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 16 Oct 91 for 4 yrs. Svd: 1 Yrs 4 Mo 1 Das, all AMS.

b. Grade Status: AB - 21 Jan 93 (Article 15, 21 Jan 93)
Amn - 16 Apr 92

c. Time Lost: None.

d. Art 15's: (1) 21 Jan 93, Loring AFB, ME - Article 107. You did, on or about 30 Dec 92, with intent to deceive, make to TSgt  a security police investigator, an official statement, to wit: that your former roommate had stolen two of your personal checks, forged your name, brought them to the County Federal Credit Union, and cashed them, which statement was totally false, and was then known by you to be so false. Reduction to AB. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 04 JAN 93 - Financial irresponsibility, and lying.
RIC, 10 DEC 92 - Financial irresponsibility, and lying.
RIC, 23 NOV 92 - Financial irresponsibility.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (7) Mos (15) Das
TAMS: (1) Yrs (4) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 4 Jan 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Letter of Congratulations.
3. Certificate of Academic Achievement.
4. Course Diploma.
5. Employment Offer.
6. Certificate of Achievement.

21JUL04/ia

[REDACTED]

Dear DBR or BCMR: The following issues are reasons I believe my discharge should be upgraded to Honorable. If you disagree please explain in detail why you disagree. The presumption of regularity that might normally permit you to assume that the service acted correctly in characterizing my service as less than honorable does not apply to my case because of the evidence I am submitting.

1. The reason I have waited so long to try and upgrade my discharge is because I was not aware that I had an opportunity to correct my record.

Issues:

1. Under current standards I would not have received the type of discharge I did.
2. My General Discharge was improper because the debt was not all my responsibility. My roommate at the time stole some of my credit cards and checks from our room while I was away on vacation. She ran up my phone bill to over \$1300 dollars. I reported this to my First Sergeant and Supervisor at the time but my roommate was in the process of discharge when I found out about the debt. My Supervisor and the Squadron First Sergeant were no help to me because they said the debt was ultimately mine and there was no way to go after her once she had been discharged. I had to go to court and pay a fine because of her. I eventually tried to sue to get my money back but I had no valid address for her once she was discharge.
3. The debt that was incurred was resolved or paid by me and I had all of my debt paid before I was discharged from the military.
4. I feel that I was treated unjustly by my squadron because I had no one to speak on my behalf. There was a written statement from my roommate signed by her supervisor and my supervisor stating the things that she did. It was put in my permanent record. My supervisor told me not to take her to court because she (my roommate) was pregnant by a black man and her parents would not understand.
5. I was very naïve and trusting when I first join the military and had no knowledge of how some people manipulated others.
6. Since being discharged from the military I have been working on two Bachelors degrees one in Engineering and one in Computer Science. I also have a job as a 2nd Level Programmer/Analyst for Merck-Medco. I believe I have paid more than enough for mistakes from my youth.

Thank you for your consideration,
[REDACTED]

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 42D BOMB WING (ACC)
LORING AIR FORCE BASE, MAINE

FD 2004-00212

FROM: 42 SUPS/CC

SUBJ: Letter of Notification

5 Feb 93

TO: AB [REDACTED]

1. I am recommending your discharge from the United States Air Force for Dishonorable Failure to Pay Just Debts. The authority for this action is AFR 39-10, Section H, paragraph 5-47d. If my recommendation for discharge is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.
2. My reason for this action is evidenced by the following:
 - a. On or about 30 Dec 92, with intent to deceive, you made a false official statement, to Technical Sergeant [REDACTED] a security police investigator, when you stated that your former roommate had stolen two of your personal checks, forged your name, brought the checks to the County Federal Credit Union, and cashed them. For this you received an Article 15, Record of Nonjudicial Punishment, dated 4 Feb 93 (Attachment 1a.)
 - b. On or about 17 Dec 92, your supervisor, [REDACTED] counseled you on meeting your financial responsibilities, to include auto insurance, before departing on leave (31 Dec 92 - 8 Jan 93). When [REDACTED] asked you if your insurance was taken care of, you answered "yes" to the question. On or about 31 Dec 92, [REDACTED] received a call from the County Federal Credit Union informing her that your insurance had been cancelled due to nonpayment. For this, you received a Letter of Reprimand, dated 4 Jan 93 (Attachment 1b).
 - c. On or about 10 Dec 92, you received a Letter of Counseling from [REDACTED] the Supply Squadron First Sergeant, for making late home layaway payments, attempted delay of payments by misplacing receipts, and telling creditors that the First Sergeant was holding the receipts for a telephone bill that was four months overdue (Attachment 1c).
 - d. On or about 9 Nov 92, you were briefed by your supervisor, on two outstanding checks that you had in the local area. You were told to clear the checks and bring proof to your supervisor that you had taken care of the bad checks. On 18 or 19 Nov 92, you told your supervisor that you took care of the bad checks but you did not provide any proof of that fact. On 23 Nov 92, your supervisor called the insurance company, and they informed her that they had not received the money order. For this, you received a Letter of Counseling, dated 23 Nov 92

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(Attachment 1d)

3. 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 with the Area Defense Counsel, located in Bldg 6000, ext 2541, on _____ 1993 at _____ hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 10 Feb 1993 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the Physical Exams Unit, 42D Medical Group, Loring AFB, ME, at 0700 hours on 8 Feb 1993 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 2. A copy of AFR 39-10 is available for your use at your orderly room.

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



Major, USAF
Commander, 42d Supply Squadron

5 Atch

- 1. LON w/Attachments
- 2. Airman's Rcpt of LON
- 3. Airman's Statement
- 4. Physical Exams Data
- 5. EPRs