

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████ | GRADE A1C | AFSN/SSAN ████████████████ |
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|----------------|------------|--------------------------------------------|-----------------------------------------------|----------------------|
| TYPE | GEN | PERSONAL APPEARANCE | X | RECORD REVIEW |
| COUNSEL | | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL | |
| YES | No | | | |
| | X | | | |

| MEMBER SITTING | VOTE OF THE BOARD | | | | |
|-----------------------|--------------------------|-----|------|-------|------|
| | HON | GEN | UOHC | OTHER | DENY |
| | | | | | X |
| | | | | | X |
| | | | | | X |
| | | | | | X |
| | | | | | X |

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|---------------|--------|---------------------|--------|----------------------------------------|--------------------------------------------------------------|
| ISSUES | A95.00 | 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 |

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|---------------------|--------------------|--|
| HEARING DATE | CASE NUMBER | |
| 17 Aug 2004 | FD-2004-00229 | |

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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

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| INDORSEMENT | | DATE: 8/17/2004 |
| TO: | FROM: | |
| SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742 | 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-2004-00229

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received two Article 15s for writing bad checks and for failure to obey a lawful order. He also received a Letter of Reprimand and a Record of Individual Counseling for leaving the scene of an accident, driving with an expired license and for missing M-16 training. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Offutt AFB, NE on 3 Aug 99 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: 21 Jul 73. Enlmt Age: 18 8/12. Disch Age: 26 0/12. Educ: HS DIPL. AFQT: N/A. A-87, E-50, G-37, M-68. PAFSC: 3E052 - Electronic Power Production. DAS: 4 Jun 98.

b. Prior Sv: (1) AFRes 9 Apr 92 - 17 Jun 92 (2 months 9 days) (Inactive).

(2) Enlisted as AB 18 Jun 92 for 4 yrs. Svd: 3 yrs 2 months 13 days, all AMS. AMN - Unknown. A1C-(EPR Indicates): 18 Jun 92-17 Feb 94. SRA - 18 Jun 95. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 1 Sep 95 for 6 yrs. Svd: 3 Yrs 11 Mo 2 Das, all AMS.

b. Grade Status: A1C - 23 Jun 99 (Article 15, 23 Jun 99)

c. Time Lost: None.

d. Art 15's: (1) 23 Jun 99, Offutt AFB, NE - Article 92. You, having knowledge of a lawful order issued by LtCol [REDACTED] to wit: Not to operate any motor vehicle on any military installation for a period of one year effective 1 May 99, an order which it was your duty to obey, did, on or about 7 Jun 99, fail to obey the same by wrongfully operating a motor vehicle on Offutt AFB, NE. Reduction to A1C, and 14 days extra duty. (No appeal) (No mitigation)

(2) 9 Mar 98, Lajes Field, Azores, Portugal - 123a. You, did, from on or about 24 Oct 97, with intent to defraud and for the procurement of lawful currency, wrongfully and unlawfully make to the Azores Exchange, certain checks upon the SAC Federal Credit Union in words and figures as follows, to wit: Check #1631, dated 9 Aug 97, to the Azores Exchange in the amount of \$15.00; Check #1182, dated 30 Aug 97, to the Azores Exchange in the amount of \$31.65; Check #1197, dated 13 Oct 97, to the Azores Exchange in the amount of \$40.00; Check #1334, dated 30 Sep 97, to the Azores Exchange in the

amount of \$35.00; Check #1341, dated 24 Oct 97, to the Azores Exchange in the amount of \$65.00, then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with such credit union for the payment of the said checks in full upon their presentment. You did, from on or about 18 Jul 97 to about 14 Oct 97, with intent to defraud and for the procurement of lawful currency, wrongfully and unlawfully make to the Top of the Rock Club, certain checks upon the SAC Federal Credit Union in words and figures as follows, to wit: Check #1597, dated 18 Jul 97, to the Top of the Rock Club in the amount of \$215.00; Check #1628, dated 9 Aug 97, to the Top of the Rock Club, in the amount of \$230.00; Check #1650, dated 28 Aug 97, to the Top of the Rock Club, in the amount of \$170.00; Check #1183, dated 30 Aug 97, to the Top of the Rock Club in the amount of \$190.00; Check #1186, dated 12 Sep 97, to the Top of the Rock Club in the amount of \$100.00; Check #1328, dated 18 Sep, to the Top of the Rock Club in the amount of \$124.60; Check #1335, dated 3 Oct 97, to the Top of the Rock Club in the amount of \$100.00; Check #1340, dated 14 Oct 97, to the Top of the Rock Club in the amount of \$10.00, then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with such credit union for the payment of the said checks in full upon their presentment. Suspended reduction to A1C. (No appeal) (No mitigation)

- e. Additional: LOR, 25 MAR 99 - Leaving the scene of an accident and driving with an expired license.
RIC, 26 OCT 98 - Missed M-16 Training.

f. CM: None.

g. Record of SV: 18 Feb 95 - 14 Oct 95 Offutt AFB 4 (CRO)
15 Oct 95 - 20 Apr 96 Offutt AFB 3 (CRO)
21 Apr 96 - 20 Apr 97 Lajes Field 3 (Annual)
21 Apr 97 - 02 Jan 98 Lajes Field 3 (CRO)
03 Jan 98 - 02 Jan 99 Offutt AFB 3 (Annual)

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

i. Stmt of Sv: TMS: (7) Yrs (3) Mos (26) Das
TAMS: (7) Yrs (1) Mos (17) Das

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

NO ISSUES SUBMITTED.

FD2004-00229

ATCH
None.

27JUL04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

7 Jul 99

MEMORANDUM FOR A1C [REDACTED]

FROM: 55 CES/CC

SUBJECT: Letter of Notification--Board Hearing

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. From about 9 August 1997 to about 24 October 1997, with intent to defraud and for the procurement of lawful currency, you wrongfully and unlawfully made to the Azores Exchange certain checks upon the SAC Federal Credit Union, then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with such credit union for the payment of the said checks in full upon their presentment.

b. From about 18 July 1997 to about 14 October 1997, with intent to defraud and for the procurement of lawful currency, you wrongfully and unlawfully made to the Top of the Rock Club certain checks upon the SAC Federal Credit Union, then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with such credit union for the payment of the said checks in full upon their presentment.

For the incidents noted in paragraphs a and b you received nonjudicial punishment and the establishment of an unfavorable information file dated 9 March 1998. Punishment consisted of reduction to the grade of airman first class suspended until 7 September 1998. (Atch 1-1)

c. On 15 September 1998, you were notified of M-16 training by a message Mr. [REDACTED] left in your mailbox on 9 September 1998. You failed to go to the scheduled training on that date. For this incident, you received record of individual counseling dated 26 October 1998. (Atch 1-2)

d. On 30 April 1999, you were in a traffic accident involving another vehicle in which you were at fault. You left the scene and later turned yourself in. Additionally, you were driving on with no insurance. For this incident you received a letter of reprimand dated 25 May 1999 and a one-year revocation of your base driving privileges. (Atch 1-3)

e. On 7 June 1999, you failed to obey a lawful order issued by Lt Col [REDACTED], to wit: Not to operate any motor vehicle on any military installation for a period of one year, an order which it was your duty to obey. For this incident you received nonjudicial punishment dated 23 June 1999. Punishment consisted of reduction to the grade of airman first class and 14 days extra duty. (Atch 1-4)

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending you receive a general discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.

4. You have the right to:

- a. Consult legal 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 the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to the 55th Medical Group, Physical Exams Building 527, Room 115, at 0900 on 9 July 99 for the examination. Please pick up your medical records 24 hours prior to your appointment.

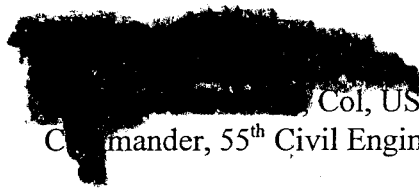
6. Military legal counsel is available to assist you. I have made an appointment for you to consult Captain [REDACTED] Area Defense Counsel, Bldg 323C, RM 302, Phone 4-3939, at 0830 hrs on 8 Jul 99. Instead of the appointed military counsel, you may have another, if the lawyer you request is in the active military service and 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 to assist you.

7. Confer with your counsel and reply, in writing, within seven workdays (NLT 16 July 1999), 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 discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

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 unit orderly room.

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

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



Col, USAF
Commander, 55th Civil Engineering Squadron

Attachments:

- Atch 1-1; Nonjudicial Punishment and UIF dtd 9 Mar 98
- Atch 1-2; Record of Individual Counseling dtd 26 Oct 98
- Atch 1-3; LOR dtd 25 May 99 and AF 1168 dtd 15 Jun 99
- Atch 1-4; Nonjudicial Punishment dtd 23 Jun 99