

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██	GRADE AB	AFSN/SSAN ████████████████████
--	--------------------	--

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	NOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53	INDEX NUMBER A67.10	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 01 Dec 2004	CASE NUMBER FD-2004-00247	
------------------------------------	-------------------------------------	--

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.

██

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-2004-00247

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

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 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15, two Letters of Reprimand, and a verbal counseling for misconduct. His infractions included financial irresponsibility, making a false official statement, failure to go, and abusing his government travel card for personal purposes. In reply to the Article 15, member admitted his actions were intentional, accepted responsibility, and apologized. He received an Enlisted Performance Report rated an overall referral "2" that stated he'd had continuing financial management problems with mixed results from counseling; this was after he had been sent to the Personal Financial Management Program. At the time of the discharge, member consulted counsel but waived his right to submit statements in his own behalf. The DRB opined that through the unit's various administrative actions, the applicant had ample opportunities to change his negative behavior but 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 characterization of the discharge was appropriate.

Issue 2. The applicant cited his desire to return to military service. The Board was sympathetic to the impact his reenlistment code 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Hill AFB, UT on 10 Jul 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 21 Feb 74. Enlmt Age: 19 8/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-63, E-36, G-41, M-64. PAFSC: 2F031 - Fuels Apprentice. DAS: 4 May 94.

b. Prior Sv: (1) AFRes 29 Oct 93 - 11 Jan 94 (2 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Jan 94 for 4 yrs. Svd: 2 Yrs 5 Mo 29 Das, all AMS.

b. Grade Status: AB - 6 May 96 (Article 15, 6 May 96)
 A1C - (EPR Indicates): 12 Jan 94 - 10 Oct 95
 Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 6 May 96, Hill AFB, UT - Article 92: You, who knew of your duties, between on or about 31 Jan 96 and 30 Mar 96, were derelict in the performance of those duties in that you willfully used your government issued American Express Credit Card for personal use, as it was your duty not to do. Reduction to AB. Suspended forfeiture of \$250.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 01 MAY 95 - Failure to go.
 LOR, 24 APR 95 - Making a false official statement.
 VBC, 17 APR 95 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 12 Jan 94 - 10 Oct 95 Hill AFB 2 (Initial)REF

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (12) Das
 TAMS: (2) Yrs (5) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 28 Jun 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority
for Discharge)

Issue 1: Want to join the reserves, possible become a full time Airmen
(sic).

ATCH

1. DD Form 214.

5AUG04/ia

FD 2004-00247

DEPARTMENT OF THE AIR FORCE
75TH MISSION SUPPORT SQUADRON (AFMC)
HILL AIR FORCE BASE, UTAH

MEMORANDUM FOR AB [REDACTED], 75 MSS

24 Jan 96

FROM: CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 17 Apr 95, you were counseled on your financial responsibilities regarding Deferred Payment Plan, car insurance, and various financial obligations. Your wife was in an accident on base and wasn't able to show proof of insurance. As a result, you were verbally counseled on 17 Apr 95. (Atch 1a)

b. Between 17 - 21 Apr 95, you failed to attend mandatory GET FIT sessions on three occasions. As a result, you received a Letter of Reprimand (LOR), dated 24 Apr 95. (Atch 1b)

c. On or about 20 Apr 95, you wrongfully made a false official statement, to wit: on the phone you stated the reason why you had not attended GET FIT on 20 Apr 95 was because you were recalled into work at 0430 until 0730. You knew this statement to be false at the time you made it. As a result, you received an LOR, dated 1 May 95. Additionally, an Unfavorable Information File was established and this action was placed in it. (Atch 1c)

d. On or about 18 Nov 95, you received a notice from AAFES, DPP Service Center notifying you they were suspending your charging privileges because you were two months delinquent on your payments, unless you paid the overdue amount of \$30.00 on your account balance of \$495.46. (Atch 1d)

e. Between 31 Jan 96 and 30 Mar 96, you were derelict in the performance of your duties in that you willfully used your government issued American Express Credit Card for personal use, as it was your duty not to do. As a result, you received an Article 15, nonjudicial punishment, dated 6 May 96 which included a reduction to the grade of Airman Basic, with a new date of rank of 6 May 96, forfeiture of \$250.00 pay per month for 2 months (suspended until 5 November 1996, after which time it will be remitted without further action unless sooner vacated). (Atch 1e)

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 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.

3. You have the right to consult counsel. I have made an appointment for you with the Area Defense Counsel's Office, Bldg 1205, on 25 Jun 96 at 1400. 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 28 Jun 96 (allow three workdays) 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. Your medical examination was completed on 3 May 96 at 0930, Physical Exams section.

7. 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.


Maj, USAF
Commander

Attachments:

1. Notification Letter
 - a. 75 ABW/LGSF ltr, 17 Apr 95
 - b. LOR, 24 Apr 95
Members response, 2 May 95
 - c. LOR, 1 May 95
Members response
AF Form 1058, 1 May 95
AF Form 1137
 - d. AAFES ltr, 18 Nov 95
 - e. AF Form 3070, 6 May 96
Members response, 3 May 96
DD Form 1569
AF Form 1168, 9 Apr 96
AF Form 1168, 11 Apr 96
ROI, 15 Apr 96
2. Airman's Receipt of Notification Letter