

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00260

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

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 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. Applicant was discharged for conduct prejudicial to good order and discipline, and received an under other than honorable conditions characterization of service. Member received two Articles 15, a Record of Individual Counseling, and had four additional Memos for Record due to misconduct. His offenses included writing numerous bad checks to the base exchange, failing to pay just debts in the civilian community and to the NCO Club, stealing from his roommate, forgery, assault, unauthorized release of someone else's medical information to a third party, and violating restrictions of correctional custody. When recommended for administrative discharge, the member submitted a conditional waiver of his right to a board hearing in hopes of receiving a general discharge. When that was denied, he submitted an unconditional waiver of his right to a board hearing, and he failed to submit statements in his own behalf. The board noted member had several Enlisted Performance Reports, one of which was rated an overall "3" due to his financial misconduct. Member was age 25 to 27 when his misconduct occurred, older than most other airmen who complete their enlistments without disciplinary infractions, and there was no evidence he did not know right from wrong. Member had ample opportunity to change his negative behavior and was either unwilling or unable to do so. Therefore, the Board found the record supports the characterization of service received.

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 SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr Carswell AFB, TX on 3 May 90 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 5 Sep 62. Enlmt Age: 17 3/12. Disch Age: 27 7/12. Educ: HS DIPL. AFQT: N/A. A-24, E-30, G-44, M-40. PAFSC: 90250A - Medical Service Specialist. DAS: 30 Oct 86.

b. Prior Sv: (1) USMCR 31 Dec 79. Svd: 2 yrs 3 months 27 days, of which AMS is 4 months 11 days.

(2) Enlisted USAF as Amn 28 Apr 82 for 4 yrs. Svd: 4 yrs 0 months 0 days, all AMS. A1C-(APR Indicates): 28 Apr 82-27 Apr 83. SrA - 15 Jan 85. Sgt-(APR Indicates): 9 Jul 85-18 May 86. APRs: 8,9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as Sgt 28 Apr 86 for 6 yrs. Svd: 4 Yrs 0 Mo 5 Das, all AMS.

b. Grade Status: AB - 9 Feb 90 (Article 15, 9 Feb 90)
 A1C - 6 Jul 89 (Article 15, 6 Jul 89)

c. Time Lost: None.

d. Art 15's: (1) 9 Feb 90, Carswell AFB, TX - Article 128. You did, on or about 25 Jan 90 unlawfully assault [REDACTED] by hitting her on the face, head, and back with your fist. Reduction to AB. (No appeal) (No mitigation)

(2) 6 Jul 89, Carswell AFB, TX - Article 121. You, did, on or about 20 Oct 88, wrongfully appropriate \$50.00, the property of [REDACTED]. Article 123. You, did, on or about 20 Oct 88, with intent to defraud, falsely make in its entirety, the signature of [REDACTED] to a check in the amount of \$50.00, which check would, if genuine, apparently operate to the legal harm of another. Reduction to A1C, 30 days correctional custody. (Appeal/Denied) (No mitigation)

e. Additional: MFR, UNDATED - Disclosing medical information to a third party without authorization.
 MFR, UNDATED - In an area where malicious mischief occurred when he should have been in Correctional

Custody, and lying.

MFR, 01 DEC 89 - Financial irresponsibility.

MFR, 12 SEP 88 - Financial irresponsibility.

RIC, UNDATED - Financial irresponsibility.

f. CM: None.

g. Record of SV: 09 Jul 85 - 18 May 86 Lackland AFB 9 (CRO)
 19 May 86 - 15 Sep 86 Lackland AFB 9 (CRO)
 16 Sep 86 - 16 Jul 87 Carswell AFB 9 (CRO)
 17 Jul 87 - 02 Feb 88 Carswell AFB 9 (CRO)
 03 Feb 88 - 25 Oct 88 Carswell AFB 9 (CRO)
 26 Oct 88 - 25 Oct 89 Carswell AFB 3 (Annual)

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

i. Stmt of Sv: TMS: (10) Yrs (4) Mos (3) Das
 TAMS: (8) Yrs (0) Mos (6) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Jun 04.
 (Change Discharge to General)

NO ISSUES SUBMITTED.

ATCH

1. Request Pertaining to Military Records.

12AUG04/ia



DEPARTMENT OF THE AIR FORCE
ROBERT L. THOMPSON STRATEGIC HOSPITAL (SAC)
CARSWELL AIR FORCE BASE, TEXAS 76127-5300



FD 2004-00 260

REPLY TO
ATTN. OF:

SGQ

13 FEB 1990

SUBJECT:

Letter of Notification - Board Hearing

TO:

[REDACTED]

1. I am recommending your discharge from the United States Air Force for Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline according to AFR 39-10, under the provisions of paragraph 5-47b. 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. You did, during the month of Aug 87, write checks to the Carswell AFB Exchange which were returned for insufficient funds, resulting in a total indebtedness of \$150.00.

b. You did, between on or about 8 Aug 87 and on or about 9 Aug 87, write two checks to the Bergstrom AFB Exchange which were returned for insufficient funds, resulting in a total indebtedness of \$90.00 and for which you received a record of counseling.

c. On or about 12 Sep 88, you were delinquent in payments to Ming Motors in the amount of \$460.00 for which you were verbally counseled.

d. You were, on or about 1 Dec 89, over 90 days delinquent in payments on your NCO Club account in the amount of \$206.48 for which you were counseled, had your account closed and MPO action initiated to recover this amount.

e. You did, on or about 20 Oct 88, wrongfully appropriate \$50 from [REDACTED]. You did also, on or about 20 Oct 88, forge the name of [REDACTED] to a check for \$50.00. For this, you received an Article 15 on 14 Jul 89.

f. On or about 30 Jul 89, you were found to be in an area where malicious mischief had occurred when at that time you were to have been in Correctional Custody.

g. You did, on or about 12 Sep 89, release and disclose medical information on a patient to a third party without authorization or consent of the patient. For this, you were verbally counseled.

h. You did, on or about 25 Jan 90, unlawfully assault [REDACTED] by hitting her on the face, head and back with your fist. For this, you received an Article 15.

3. This action could result in your separation with an honorable, a general or an under other than honorable conditions discharge. I am recommending that you receive an under other than honorable conditions discharge. The commander exercising SPCM 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.
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 R. L. Thompson Strategic Hospital, Carswell at 0730 hours on 15th FEB 1990.
6. Military legal counsel, ~~XXXXXXXXXX~~ has been obtained to assist you. An appointment has been scheduled for you to consult him at 1000 hours on 13 FEB 1990, at Bldg 1564. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFM 111-1. 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.
7. Confer with your counsel and reply, in writing, within 7 workdays, 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 Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use.

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



Capt, USAF, MSC
Commander, Medical Section Squadron

- 9 Atch
- 1. Dishonored Check Notification, 29 Sep 87
- 2. SAC Form 845, Sep 87 w/3 atch
- 3. Memo for Record, 12 Sep 88 w/1 atch
- 4. Memo for Record, 1 Dec 89 w/1 atch
- 5. AF Form 3070, 14 Jul 89 w/4 atch
- 6. Memo for Record, undated w/3 atch
- 7. Memo for Record, undated
- 8. AF Form 3070, 8 Feb 90 w/1 atch
- 9. Acknowledgment of Receipt of Notification Letter