

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AMN

TYPE GEN

PERSONAL APPEARANCE

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

MEMBER SITTING

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

ISSUES

A94.01
A94.55

INDEX NUMBER

A67.09

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

18 Nov 2004

CASE NUMBER

FD-2004-00298

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. via video-teleconference with Randolph AFB TX.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

INDORSEMENT

DATE: 11/19/2004

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-2004-00298

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code.

The applicant appeared with counsel and testified before the Discharge Review Board (DRB) via video-conference from Randolph AFB, TX and Andrews AFB, MD.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge. The following additional exhibits were submitted at the hearing:

- Exhibit 5: Letter from Applicant, 1 August 1994
- Exhibit 6: Memorandum from [REDACTED], 24 June 1994
- Exhibit 7: Memorandum from [REDACTED], Undated
- Exhibit 8: Four Character Letters
- Exhibit 9: Lamar University Transcript, Spring 1998
- Exhibit 10: Las Vegas Police Report, 16 November 04
- Exhibit 11: Federal Financial Report, 8 March 2002 w/ atch
- Exhibit 12: AAFES Letter, 26 July 2004
- Exhibit 13: Cancelled Checks
- Exhibit 14: Credit Report
- Exhibit 15: SAC Federal Credit Union Statement
- Exhibit 16: AAFES Returned Check Voucher, 1 June 1994

FINDINGS: Upgrade of discharge and change of reenlistment code are 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 contends discharge was inequitable because it was too harsh. The records show the applicant received an Article 15, and two Letters of Reprimand for her misconduct. The applicant was sent to financial counseling and budgeting classes but failed to correct her misbehavior which consisted primarily of financial misconduct. The DRB opined that through these administrative and counseling actions, the applicant had ample opportunity to change her negative behavior. While the discharge quickly followed the rehabilitative efforts, this was due to the applicant's failure to take advantage of the rehabilitative opportunity presented to her. The Board concluded this was clearly indicative of a lack of rehabilitative potential in the applicant and that the decision to discharge the applicant was not unduly harsh. Her lack of initiative and failure to have paid off her debts in full in the 10 years after her discharge is further indication she was unsuited for further rehabilitative efforts. Because 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.

Issue 2. At the hearing the applicant contended that her discharge was improper because the Staff Judge Advocate's recommendation stated her misconduct had occurred over the course of a year, when in fact it lasted only a few months. While the legal review does contain an erroneous assertion the misconduct had occurred over the course of a year, the true facts underlying the discharge were clearly stated in the legal review and the discharge case file. The Board determined that this error did not constitute prejudicial error;

i.e., there was not substantial doubt that the discharge would have remained the same if the error had not been made.

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.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]

(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Offutt AFB, NE on 30 Jun 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 31 Oct 72. Enlmt Age: 20 6/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-80, E-50, G-44, M-13. PAFSC: 4A031 - Health Services Management Apprentice. DAS: 27 Oct 93.

b. Prior Sv: (1) AFRes 28 May 93 - 28 Jun 93 (1 month 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Jun 93 for 4 yrs. Svd: 1 Yrs 0 Mo 2 Das, all AMS.

b. Grade Status: Amn - 29 Dec 93

c. Time Lost: None.

d. Art 15's: (1) 1 Jun 94, Offutt AFB, NE - Article 134. You, being indebted to the Army and Air Force Exchange Service in the sum of \$1474.95 for procurement of lawful currency and other items of value, which amount became due and payable on or about 9 May 94, did, from between on or about 9 May 94 to on or about 18 May 94, dishonorably fail to pay said debt. Fourteen days extra duty, and 14 days restriction. (Appeal/Withdrawn) (No mitigation)

e. Additional: LOR, 25 MAY 94 - Late for duty.
LOR, 13 MAY 94 - Financial irresponsibility and lying.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (1) Mos (3) Das
TAMS: (1) Yrs (0) Mos (2) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Jul 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Forms 214 (Member 1 & 4).

10SEP04/ia

July 23, 2004

To Whom It May Concern,

My name is [REDACTED] I am a prior service active Duty member of the United States Air Force. My reason for this submitted application is to upgrade my General (under honorable conditions) discharge to an Honorable Discharge. I was discharged on 30 Jun 94 for writing 15 bad checks to AAFES. Currently all of the checks are paid for in full. I will submit the letter that AAFES is Sending stating that the checks are paid for at a later date to you. The writing of the Bad checks are the only thing that I was discharged for before then I was an outstanding Airman in the United States Air Force. There were no prior convictions before the Problem of writing bad checks. Before being discharged I attended financial classes Offered on the base and off the base and the Commander even suggested a counselor to Me. His name was [REDACTED] He helped me to do some financial planning to Make sure I understood how writing checks work. I didn't quite get it then like I do Now. I was young at the time that this happen and didn't know much. Now that I've Grown up in the mind and I'm now 31 years of age I now I have the understanding of How credit and writing checks work. I have learned from that experience and since then I have made sure that I keep a close eye on everything I spend and how I write checks. I would like to appear before the board in Washington D.C. with a representative from The DAV in Washington D.C.. When I have my day before the board, I will provide Other documents such as a credit report, bank statements, character letters and a police Report to show that I have never been in trouble and that I have been in school earning

FV 2007-00200

A degree in pre-dentistry, Fine Arts (photography and painting) and also music
(performance of the violin). I thank you for your time and patience and I hope to see
the board soon.

Sincerely,

A large, dark, irregularly shaped redaction mark covering the signature area of the letter.

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



15 JUN 1994

MEMORANDUM FOR 55 MG/SGARO
ATTENTION: [REDACTED]

FROM: 55 MG/CC
STOP CODE 2160

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct Consisting Of Minor Disciplinary Infractions. The authority for this action is AFR 39-10, Section H, Paragraph 5-46. If my recommendation is approved, your service will be characterized as general or honorable. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. On or about 6 May 94, you attempted to purchase merchandise on your Delayed Payment Plan account at the Base Exchange. When denied credit you informed exchange personnel that [REDACTED] had authorized you to use your account. When contacted, [REDACTED] denied that statement. Your conduct was found to be consistently in violation of accepted standards. You received a Letter Of Reprimand (LOR) dated 13 May 94 and a UIF was established on you, 26 May 94. (Atch 1-1)
 - b. On or about 9 May 94 to on or about 18 May 94, you, being indebted to the Army and Air Force Exchange Service in the sum of \$1474.95 for procurement of lawful currency and other items of value, at Offutt Air Force Base, Nebraska, dishonorably failed to pay said debt. You received nonjudicial punishment proceedings under Article 15, UCMJ dated 7 Jun 94 with fourteen days extra duty; and restriction to Offutt Air Force Base for fourteen days punishment. (Atch 1-2)
 - c. On or about 24 May 94, you failed to report to Building 365 at 1300 hrs for bay orderly detail. You reported at approximately 1345 hrs. You received a LOR dated 25 May 94 and UIF dated 7 Jun 94. (Atch 1-3)
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 will be discharged or retained in the Air Force. 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 consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] Area Defense Counsel, Bldg 323C, Rm 302, ext 3939, at 1630 hrs on 16 Jun 94. 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 by 20 Jun 94, unless you request and receive an extension for good cause shown. I will send them 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 a medical examination. You must report to the Ehrling Bergquist Regional Hospital, Physical Exam Section at 0700 hrs/Pt 1 and 1100 hrs/Pt 2 on 16 Jun 94 for the examination.

8. 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 in the unit orderly room.

9. Please acknowledge this letter by executing the attached acknowledgment, and then return it to me immediately.

[REDACTED]
1st Lt, USAF, MSC
Commander, Medical Squadron Section

Attachments

- 1-1. LOR dtd 13 May 94; UIF dtd 26 May 94
- 1-2. Art 15; dtd 7 Jun 94
- 1-3. LOR dtd 25 May 94; UIF dtd 7 Jun 94