

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em; margin-top: 5px;"></div>	GRADE A1C	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em; margin-top: 5px;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

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

ISSUES A94.53	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD <div style="border: 1px solid black; padding: 2px;">1 ORDER APPOINTING THE BOARD</div> <div style="border: 1px solid black; padding: 2px;">2 APPLICATION FOR REVIEW OF DISCHARGE</div> <div style="border: 1px solid black; padding: 2px;">3 LETTER OF NOTIFICATION</div> <div style="border: 1px solid black; padding: 2px;">4 BRIEF OF PERSONNEL FILE</div> <div style="border: 1px solid black; padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</div> <div style="border: 1px solid black; padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</div> <div style="border: 1px solid black; padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE</div>
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HEARING DATE 14 Dec 2004	CASE NUMBER FD-2004-00329	
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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: Applicant was discharged for conduct prejudicial to good order and discipline. The records indicated the applicant received an Article 15, a Letter of Reprimand, a Record of Individual Counseling, one Letter of Counseling, and had an unfavorable Information File. His infractions were all for financial irresponsibility, with one for missing a training appointment. At one point, member was 251 days past due on a debt to Nations Bank, which totaled over \$2,000.00 at that time. The record reflects that member was sent to financial management counseling twice, but he failed to follow instructions given him in order to bring his finances under control. He also was sent to Consumer Credit Counseling for debt consolidation but failed to abide by the contractual arrangements made on his behalf. The Board opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior and was either unwilling or unable 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 received by the applicant was appropriate.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Cannon AFB, NM on 5 May 00 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Oct 78. Enlmt Age: 18 0/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-63, E-67, G-59, M-57. PAFSC: 2W131F - Aircraft Armament Systems Apprentice. DAS: 15 Feb 98.

b. Prior Sv: (1) AFRes 26 Oct 96 - 5 Aug 97 (9 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Aug 97 for 4 yrs. Svd: 2 Yrs 9 Mo 0 Das, all AMS.

b. Grade Status: A1C - 6 Dec 98
Amn - Unknown

c. Time Lost: None.

d. Art 15's: (1) 3 Jan 00, Cannon AFB, NM - Article 134. You, being indebted to Nations Bank in the sum of \$612.93 for miscellaneous charges and cash withdrawals, which amount became due and payable on or about 27 Apr 99, did, from on or about 27 Apr 99 to on or about 14 Dec 99, dishonorably fail to pay said debt. You, being indebted to Nations Bank in the sum of \$2,025.15 for miscellaneous charges and cash withdrawals, which amount became due and payable on or about 28 May 99, did, from on or about 28 May 99 to on or about 14 Dec 99, dishonorably fail to pay said debt. You, being indebted to Nations Bank in the sum of \$1,491.14 for miscellaneous charges and cash withdrawals, which amount became due and payable on or about 27 Jul 99, did, from on or about 27 Jul 99 to on or about 14 Dec 99, dishonorably fail to pay said debt. You, being indebted to Nations Bank in the sum of \$1,980.80 for miscellaneous charges and cash withdrawals, which amount became due and payable on or about 28 Aug 99, did, from on or about 28 Aug 99 to on or about 14 Dec 99, dishonorably fail to pay said debt. You, being indebted to Nations Bank in the sum of \$2,000.80 for miscellaneous charges and cash withdrawals, which amount became due and payable on or about 28 Sep 99, did, from

on or about 28 Sep 99 to on or about 14 Dec 99, dishonorably fail to pay said debt. You, being indebted to Nations Bank in the sum of \$2020.80 for miscellaneous charges and cash withdrawals, which amount became due and payable on or about 30 Oct 99, did, from on or about 30 Oct 99 to on or about 14 Dec 99, dishonorably fail to pay said debt. Suspended reduction to Airman, suspended forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

- e. Additional: LOR, 18 APR 00 - Financial irresponsibility.
RIC, 30 MAR 00 - Financial irresponsibility.
LOC, 14 SEP 99 - Missed appointment.

f. CM: None.

g. Record of SV: 6 Aug 97 - 5 Apr 99 Cannon AFB 4 (Initial)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (10) Das
TAMS: (2) Yrs (9) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Aug 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

15SEP04/ia



FD2004-00 329

DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 27th FIGHTER WING (ACC)
CANNON AIR FORCE BASE NEW MEXICO

28 APR 2000

MEMORANDUM FOR A1C [REDACTED] 523 FS

FROM: 523 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 10 Mar 00, you failed to maintain sufficient funds in your bank account to cover a check, in which your wife uttered to Papa Johns Pizza place in the amount of \$11.37, as evidenced by a Letter of Reprimand, dated 18 Apr 00, (Attach 1a).

b. Between on or about, 28 Feb 00 and 29 Mar 00, you uttered worthless checks to Albertson's Grocery Store, Simnacher Health Care Agency, and the Base Commissary, and failed to maintain sufficient funds in your bank account to cover these checks, as evidenced by a Record of Individual Counseling, dated 30 Mar 00, (Attach 1b).


c. Between on or about 27 Apr 99 and 14 Dec 99, you dishonorably failed to pay just debts to Nations Bank on numerous occasions, as evidenced by an Article 15 action, dated 3 Jan 00, and an Unfavorable Information File, dated 11 Jan 00, (Attach 1c).

d. On or about 13 Sep 99, you failed to go to your appointed place of duty at the prescribed time, as evidenced by a Letter of Counseling, dated 14 Sep 99, (Attach 1d).

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 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. Special pay, bonuses, or education assistance funds may be subject to recoupment.

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 Captain [REDACTED] at building 600, ext. [REDACTED] on NIA at NIA hours. 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 within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.
7. You will complete a medical examination at the 27th Medical Group on 26 Apr 00 at 0730.
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 your unit orderly room.


Lt Col, USAF
Commander, 523 FS

Attachments:

- 1a. Letter of Reprimand, dated 18 Apr 00
- 1b. Record of Individual Counseling, dated 30 Mar 00
- 1c. Article 15 action, dated 3 Jan 00; Unfavorable Information File entry, dated 11 Jan 00
- 1d. Letter of Counseling, dated 14 Sep 99