

# 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;"></div>			GRADE <div style="background-color: black; width: 100%; height: 1.2em;"></div>		AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>																															
TYPE GEN		PERSONAL APPEARANCE			X RECORD REVIEW																															
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HEARING DATE 16 Dec 2004		CASE NUMBER FD-2004-00337																																		
<p>Case heard at Washington, D.C.</p> <p>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.</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>																																				
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-2004-00337**

**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 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 implies discharge was inequitable because it was too harsh and notes a prior period of honorable service. The records indicated during the enlistment under review, the applicant received two Articles 15 and a Letter of Reprimand for misconduct which included failing to vacate an apartment as scheduled and paying the back rent and late fees owed, stealing about \$2400.00 from a deployed noncommissioned officer for whom he was house-sitting, being absent without leave for 8 days, and misusing his government travel card for personal reasons. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members; they found the seriousness of such willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case, and that the characterization of the discharge was appropriate.

Issue 2. Applicant notes he was undergoing a divorce and trying to settle into a new job, which negatively impacted him. While the Board recognized these problems may have had some bearing on applicant's difficulties, they did not find them of sufficient mitigation to explain his misconduct. The applicant did not provide evidence as to how his personal problems were unique or unusual from other similarly situated airmen who successfully complete their enlistments without misconduct. Member became an administrative burden on his unit and a disruptive influence on morale and discipline. Therefore the characterization of his service was deemed 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

FD2004-00337

[REDACTED]  
(Former AB) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Peterson AFB, CO on 30 Mar 01 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: 12 Nov 75. Enlmt Age: 19 9/12. Disch Age: 25 4/12. Educ: HS DIPL. AFQT: N/A. A-74, E-77, G-66, M-61. PAFSC: J1C451 - Parachutist Tactical Air Command & Control Journeyman. DAS: 9 May 00.

b. Prior Sv: (1) AFRes 24 Aug 95 - 12 Sep 95 (20 days) (Inactive).

(2) Enlisted as AB 13 Sep 95 for 4 yrs. Svd: 3 yrs 3 months 2 days, all AMS. Amn - Unknown. A1C - 13 Jan 97. SrA - 13 Sep 98. EPRs: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 14 Dec 98 for 6 yrs. Svd: 2 Yrs 6 Months 17 Days, of which AMS is 2 yrs 6 months 9 days (excludes 8 days lost time).

b. Grade Status: A1C - 20 Nov 00 (Article 15, 20 Nov 00)  
SrA - 13 Sep 98  
A1C - 13 Jan 97  
Amn - Unknown

c. Time Lost: 23 Feb 01 through 2 Mar 01 (8 days).

d. Art 15's: (1) 9 Mar 01, Ft. Carson, CO - Article 92. You, who knew of your duties within the continental United States, from between on or about 1 Sep 00 to on or about 29 Jan 01, were derelict in the performance of those duties in that you willfully failed to refrain from using your Bank of America Government Visa card for unofficial purposes as it was your duty to do. Article 86. You, did, on or about 23 Feb 01, without authority, absent yourself from your place of duty at which you were required to be, and did remain so absent until on or about 2 Mar 01. Reduction to AB. (No appeal) (No mitigation)

(2) 20 Nov 00, Ft. Carson, CO - Article 121. You, did, within the limits of Colorado Springs, Colorado, between on or about 10 Jun 00 an on or about 7 Sep 00, wrongfully appropriate money, of more than \$100.00, the property of [REDACTED] Reduction to A1C.

Suspended forfeiture of \$200.00 pay per month for 2 months. Forty five days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 14 NOV 00 - Financial irresponsibility.
- f. CM: None.
- g. Record of SV: 13 May 98 - 12 May 99 Wheeler AAF 5 (Annual)  
13 May 99 - 30 Apr 00 Wheeler AAF 5 (Annual)
- h. Awards & Decs: AFAM, AFLSAR, AFTR, NDSM, CRM W/1 DEV, AFOUA W/1 DEV, AFGCM, ACM.
- i. Stmt of Sv: TMS: (5) Yrs (7) Mos (7) Das  
TAMS: (5) Yrs (6) Mos (10) Das

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

Issue 1: I am requesting a change in discharge status from General to Honorable due to my prior record. At the time of misconduct I was going through a divorce and trying to settle in to a new duty assignment. This is not an excuse but the reason that I wish I could gain sympathy and understanding in trying to change my discharge. I am truly ashamed that one month of miss fortune (sic) had turned my carrier (sic) from excellent to poor. I would like to take all opportunity to resolve this matter.

**ATCH**

- 1. DD Form 214.
- 2. Certificate of Achievement.
- 3. Recommendation for Award.
- 4. Army Commendation Medal.
- 5. Terminal Attack Control Evaluation and Certification.
- 6. Four Enlisted Performance Reports.

29SEP04/ia



DEPARTMENT OF THE AIR FORCE

21ST SPACE WING (AFSPC)

FD 2004-00337

14 Mar 01


MEMORANDUM FOR [REDACTED]

FROM: 13 ASOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC). I am recommending that your service be characterized as General.
2. My reasons for this action are that:
  - a. You, who knew of your duties within the continental United States, from between on or about 1 Sep 00 to on or about 29 Jan 01, were derelict in the performance of those duties in that you willfully failed to refrain from using your Bank of America Government Visa Card for unofficial purposes, as it was your duty to do. For this misconduct, you received an Article 15, dated 9 Mar 01. Punishment consisted of reduction to the grade of airman basic, with a new date of rank of 9 Mar 01. (Atch 1)
  - b. You did, on or about 23 Feb 01, without authority, absent yourself from your place of duty at which you were required to be, to wit: 13 Air Support Operations Squadron, located at Fort Carson Army Installation, Colorado, and did remain so absent until on or about 2 Mar 01. For this misconduct, you received the punishment listed in paragraph 2(a). (Atch 1)
  - c. You did, within the limits of Colorado Springs, Colorado, between on or about 10 Jun 00 and on or about 7 Sep 00, wrongfully appropriate money, of more than \$100.00, the property of [REDACTED]. For this misconduct, you received an Article 15, dated 20 Nov 00. Punishment consisted of reduction to the grade of airman first class, with a new date of rank of 20 Nov 00; forfeiture of \$200.00 pay per month for 2 months (suspended until 19 May 01, unless sooner vacated); and 45 days of extra duty. (Atch 2)
  - d. On or about 9 Nov 00, you dishonorably failed to pay a just debt. For this misconduct, you received a Letter of Reprimand, dated 14 Nov 00. (Atch 3)
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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.

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 , the Area Defense Counsel, on 15 Mar 01 at 1000 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 NLT 1600 hours on 19 Mar 2001 (3 workdays) unless you request and receive an extension from me for good cause shown. I will forward any matters you submit 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 Peterson Air Force Base Clinic, at 1050 hours on 15 Mar 2001 for the examination.
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 orderly room.
9. Execute the attached acknowledgment and return it to me immediately.



Attachments:

1. Article 15, dated 9 Mar 01
2. Article 15, dated 20 Nov 00
3. Letter of Reprimand, dated 14 Nov 00
4. Enlisted Performance Reports
5. Member's Receipt of Notification Memorandum