

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE AMN		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>	
TYPE GEN		PERSONAL APPEARANCE			X RECORD REVIEW	
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBER SITTING				VOTE OF THE BOARD		
				HON	GEN	UOTHC
				OTHER	DENY	
						X
						X
						X
						X
						X
ISSUES A94.05		INDEX NUMBER A67.90		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 10 Dec 2004		CASE NUMBER FD-2004-00349				
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						
INDORSEMENT				DATE: 12/10/2004		
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-2004-00349

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, a Letter of Reprimand, and one Memorandum for Record for misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded 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. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing.

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 AMN) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr F.E. Warren AFB, WY on 10 Dec 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: 1 Jul 81. Enlmt Age: 17 9/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-76, E-56, G-55, M-51. PAFSC: 3P031 - Security Forces Apprentice. DAS: 23 Dec 00.

b. Prior Sv: (1) AFRes 9 Apr 99 - 4 Jun 00 (1 yr 2 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Jul 00 for 6 yrs. Svd: 1 Yrs 5 Mo 6 Das, all AMS.

b. Grade Status: AB - 12 Feb 01
A1C - 18 Aug 00

c. Time Lost: None.

d. Art 15's: (1) 11 Oct 01, F.E. Warren AFB, WY - Article 134. You did, within the continental United States, on divers occasions between on or about 14 Feb 01, and on or about 8 Jul 01, make and utter to various payees certain drafts(56), drawn upon the Warren Federal Credit Union, of a total ammount of \$1,355.26, for the purpose of procuring things of value, and did thereafter dishonorably fail to maintain sufficient funds in the said credit union for payment of the said drafts in full upon their presentment for payment. Article 92. You who knew of your duties, at or near Francis E. Warren AFB, Wyoming, on or about 23 Jul 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic liquor or malt beverages while under the legal drinking age of twenty-one years, as it was your duty to do. Suspended reduction to AB. Forty five days extra duty. (No appeal) (No mitigation)

(2) 12 Feb 01, F.E. Warren AFB, WY - Article 121. You did, at or near Lackland AFB, TX, on or about 21 Oct 00, wrongfully appropriate a debit card, of some value, the

property [REDACTED] Reduction to
Airman. (Appeal/Denied) (No mitigation)

- e. Additional: LOR, 07 JAN 01 - Fraudulent use of a vehicle pass.
MFR, 22 MAY 01 - Excessive accumulation of vehicle traffic
points.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (2) Yrs (8) Mos (2) Das
TAMS: (1) Yrs (5) Mos (6) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 Jul 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.
- 2. Two Certificates of Appreciation.
- 3. NATO Security Clearance Certificate.
- 4. Letter of Appreciation.
- 5. Letter of Reference.
- 6. DD Form 214.

8NOV04/ia

17 August 2004

Dear Sir's,

My name [REDACTED] I submit this Department of Defense form 293 in the hopes of helping secure a better future for my family and myself. I joined the Air force in July of 2000 with 1 year and some odd months in the delayed enlistment program. My goal in joining the military was to serve my country and gain an education to be put to use later in life. After basic training and tech school, I was stationed in Wyoming. I wanted to be a good airman, but I fell short of both the Air Forces and my own expectations. Being on my own for the first time was a new experience and I found myself falling into the wrong crowd and also falling into debt. There is no excuse for my behavior that I can offer you or even myself, at that time I was out of control, and I realize that now. In 2001 I was dealing with my mother being terminally ill, and I believe that had something to do with my actions but that in no way is an excuse. My actions while in the military caused my family and myself a great deal of heartache and financial difficulty, which I have since remedied.

I was separated from active duty on 11 December 2001. I served only one year and seven months. Since my separation from the military the Wackenhut Corporation has steadily employed me with duties ranging from court security in Fort Collins Colorado to working at a Ford motor company parts distribution center as safety and security. I was married 14 June 2002 to a beautiful young woman, the financial burden I carried with me from the military was very strenuous on us as a newly married couple so after eight months of being married I decided to stop living paycheck to paycheck. I was tired of not having the money to pay the bills. I left home on 7 April 2003 to work for Group 4 Falck as a civilian contractor to the Department of Defense, working at Camp Bondsteel in Kosovo. I was GS-12 providing security as a force protection specialist for the Army. I spent one year with this detail. I have done a lot for myself since I was separated, a lot to improve myself. My wife and I belong to a great spirit filled church in Memphis, and I am ready to put the past behind me and move forward in my life. I know that what I was doing was wrong and I take full responsibility for my actions. They were wrong and if I could change them I would, but I can't and so I have to learn from them and that is all I can do. I pray to never make those mistakes again.

As you can see from my DD form 293 I am requesting that my general under honorable be changed to an honorable. I have waited this long to petition because the wrongs of my past had not been corrected, now they are and it is time to move on. I am planning on testing this fall for the Cincinnati police department and having my general under honorable changed to honorable is the first step of many that will need to be taken. I thank you for your time and consideration in this matter.

[REDACTED]



DEPARTMENT OF THE AIR FORCE
90TH SPACE WING (AFSPC)

15 Nov 01

MEMORANDUM FOR Amn [REDACTED]

FROM: 321 MS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFDP 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You did, within the continental United States, on diverse occasions between on or about 14 Feb 01 and on or about 18 Jul 01, make and utter to various payees certain drafts, drawn upon the Warren Federal Credit Union, in words and figures as follows:

DATE	DRAFT#	PAYEE	AMOUNT
14 Feb 01	101	San Dong	20.00
15 Feb 01	102	One Hour Cleaners	43.93
15 Feb 01	103	Mini Mart	10.00
18 Feb 01	104	Plush Cue	7.50
19 Feb 01	105	Plush Cue	6.00
19 Feb 01	106	Chilis	40.11
19 Feb 01	107	IHOP	10.00
21 Feb 01	108	Total	20.60
21 Feb 01	109	Chilis	11.00
22 Feb 01	111	Chilis	14.00
23 Feb 01	112	Dominos	20.00
24 Feb 01	113	C B Potts	29.00
4 March 01	114	Lings Café	15.00
5 March 01	115	Hans River Café	18.00
23 Mar 01	116	Black Jacks	20.00
11 Apr 01	117	Dominos	26.00
2-6-01	118	C B Potts	28.00

5-31-01	119	Chilis	38.00
6-3-01	120	Chilis	55.00
6-9-01	121	Olive Garden	53.00
6-10-01	122	Chilis	40.00
12 June 01	123	Hans River Café	25.00
6-13-01	124	Red Lobster	50.00
6-20-01	125	McDonalds	2.19
26 Feb 01	126	Lings	13.00
27 Feb 01	127	Pizza Hut	28.00
1 March 01	130	Chilis	8.50
26 Mar 01	132	San Dong	17.00
22 Apr 01	134	Dominos	27.00
10 March 01	152	Hans	20.00
24 Mar 01	153	San Dong	14.00
13 March 01	154	Ikon	11.00
13 March 01	157	Ikon Center	2.75
5/4/01	176	Dominos	22.00
5 5 2001	177	Chilis	32.00
6-22-01	178	McDonallds	7.19
06-08-01	179	McDonalds	7.19
6-16-01	180	McDonalds	10.19
6-22-01	181	Chilis	40.00
13 May 01	196	Hans	19.00
5/6/01	201	San Dongs	20.00
8 May 01	202	Hans River Café	23.00
5-9-01	203	Hans River Café	26.00
5-12-01	204	Hans River	26.00
6-21-01	205	Dynasty	18.00
5-21-01	226	Applebees	30.00
5-24-01	227	C B Potts	30.00
5-25-01	228	Red Lobster	25.00
5-25-01	229	Ruby Tuesday	35.00
27 5 01	230	Red Lobster	42.00
26 June 01	231	Chilis	25.00
07-01-01	232	Chilis	26.00
07 July 01	233	Ruby Tuesday	30.00
7-04-01	234	Dominos	29.11
7-08-01	236	Dominos	29.00
29 5 01	251	Lone Star	60.00

of a total amount of \$1,355.26, for the purpose of procuring things of a value, and did thereafter dishonorably fail to maintain sufficient funds in the said credit union for payment of the said drafts upon their presentment for payment, in violation of Article 134, UCMJ. For this misconduct, you received an Article 15, on 11 Oct 01. Punishment consisted of a suspended

reduction to the grade of airman basic and forty-five days extra duty. This Article 15 action was placed in your existing Unfavorable Information File (UIF).

b. You, who knew of your duties, at or near Francis E. Warren Air Force Base, Wyoming, on or about 23 Jul 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic liquor or malt beverages while under the legal drinking age of twenty-one years, as it was your duty to do, in violation of Article 92, UCMJ. For this misconduct, you were punished under Article 15, UCMJ, on 11 Oct 01. Punishment consisted of suspended reduction to the grade of of airman basic and forty-five days extra duty. This Article 15 action was place in your existing UIF.

c. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 5 May 01, were apprehended and charged with an offense of having knowledge of fraudulent use of a military pass. For this misconduct, you received a Letter of Reprimand (LOR), dated 7 Jun 01.

d. You did, at or near Francis E. Warren Air Force Base, Wyoming, within a twelve month period, accumulate eight traffic points. For this misconduct, you received a Memorandum of Counseling, dated 22 May 01.

e. You did, at or near Lackland Air Force Base, Texas, on or about 21 Oct 00, wrongfully appropriate a debit card, of some value, the property of Airman [REDACTED] in violation of Article 121, UCMJ. For this misconduct, you received an Article 15, dated 12 Feb 01. Punishment consisted of reduction to the grade of airman.

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 and any special pay, bonus, 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 with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 15 Nov at [REDACTED]. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me in three workdays after receipt of the notification memorandum, that date being Nov 01, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

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 have been scheduled for a medical examination. You must report to Physical Exams at 0700 hours, on 16 Nov 01 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 your Command Support Staff office.

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



Attachments:

1. Article 15, dated 11 Oct 01
2. LOR, dated 7 Jun 01
3. Memorandum of Counseling, dated 22 May 01
4. Article 15, dated 12 Feb 01
5. Other derogatory data not listed in the Notification Memorandum: three Armed Forces Traffic Tickets, dated 29 Apr 01, 24 Apr 01, and 11 Feb 01, and a No Contact Order, dated 13 Mar 01.