

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>		GRADE AMN	AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px;"></div>						
TYPE UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center;">COUNSEL</td> <td style="width: 90%;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="width: 10%;">YES</td> <td style="width: 90%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	No		X	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION								
YES	No								
	X								
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		HON	GEN	UOTHC	OTHER	DENY			
						X			
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ISSUES A94.53		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 28 Dec 2004		CASE NUMBER FD-2004-00355							
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE									
<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; width: 650px; height: 100px; 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-2004-00355
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE: Applicant was discharged for conduct prejudicial to good order and discipline. The records indicated the applicant received two Articles 15, three Letters of Reprimand, and had an Unfavorable Information File for misconduct. His infractions included multiple incidents of writing numerous bad checks to the base exchange, the consolidated open mess, and the accounting and finance office. He also failed to obey a direct order, and wrongfully took another person's club card and forged the person's name to charge services to which applicant wasn't entitled. Member was recommended for an under other than honorable conditions (UOTHC) discharge and unconditionally waived his right to have his case heard by an administrative discharge board. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior but was unable or unwilling 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 was appropriate.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

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

[REDACTED]
(Former AMN) (HGH A1C)

MISSING SOME DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr San Vito Dei Normanni AS, Italy on 15 Jul 93 UP AFR 39-10, para 5-47b (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Nov 69. Enlmt Age: 21 6/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-74, E-50, G-44, M-28. PAFSC: 645X0 - Apprentice Inventory Management Specialist. DAS: 3 Jan 92.

b. Prior Sv: (1) AFRes 15 May 91 - 12 Sep 91 (3 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 13 Sep 91 for 4 yrs. Svd: 1 Yrs 10 Mo 3 Das, all AMS.

b. Grade Status: Amn - 04 Jun 93 (Article 15, 07 Jun 93)
A1C - 13 Jul 92

c. Time Lost: None.

d. Art 15's: (1) (Document missing from file, punishment is unknown, although reduction to Airman appears to be a result of this action)- 7 Jun 93, San Vito Dei Normanni AS, Italy - You, did, from on or about 4 Apr 92 to on or about 24 Aug 92, with the intent to defraud and for the procurement of lawful currency and things of value, wrongfully and unlawfully make and utter to the Consolidated Open Mess, Accounting and Finance Office, and Army and Air Force Exchange Service eight drafts of a value of \$1137.45, then knowing that you did not or would not have sufficient funds for the payment of these in full upon their presentment. (Appeal Unknown) (No mitigation)

(2) 1 Oct 92, San Vito Dei Normanni AS, Italy - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to immediately report directly back to his office upon completion of financial counseling, an order which it was your duty to obey, did, at San Vito Dei Normanni AS, Italy, on or about 25 Sep 92, fail to obey the same. Suspended reduction to Airman, and fourteen days extra duty. (No appeal) (No mitigation)

- e. Additional: (An LOR, 10 Dec 92, a CDC Exam Failure Letter 23 Oct 92 are listed as attachments to the Letter of Notification, but missing from file).

LOR, 25 SEP 92 - Fraudulently used another persons NCO Club card.

LOR, 24 SEP 92 - Financial irresponsibility.

- f. CM: None.

- g. Record of SV: 13 Sep 91 - 12 may 93 San Vito AS 3 (Initial)

- h. Awards & Decs: AFTR, NDSM.

- i. Stmt of Sv: TMS: (2) Yrs (2) Mos (1) Das
TAMS: (1) Yrs (10) Mos (3) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 1 Sep 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

24SEP04/ia

FD2004-00355

DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCES IN EUROPE

FROM: 775 LSS/CC

7 Jun 93

SUBJECT: Letter of Notification - Board Hearing

TO: [REDACTED]

1. I am recommending your discharge from the United States Force for a Pattern of Misconduct 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. From 14 Mar - 17 Jun 92, you wrote seven dishonored checks, of a value of \$700.00, in violation of Article 134, UCMJ. As a result, you received a Letter of Reprimand/UIF dated 24 September 1992. (See atch 1a)

b. On three occasions from 13 Aug - 7 Sep 92, you wrongfully took another person's NCO club card, forged his name and charged services you were not entitled to under false pretenses, in violation of Articles 121 and 123, UCMJ. As a result, you received a Letter of Reprimand dated 25 September 1992, and the documents were placed in your existing UIF. (See atch 1b)

c. You, having knowledge of a lawful order issued by [REDACTED] to immediately report directly back to his office upon completion of financial counseling, an order which it was your duty to obey, did, at San Vito dei Normanni AS, Italy, on or about 25 September 1992, fail to obey the same, in violation of Article 92, UCMJ. For this offense, you received an Article 15 dated 3 October 1992. (See atch 1c)

d. You, did at San Vito Air Station, Italy, from on or about 4 April 1992 to on or about 24 August 1992, with the intent to defraud and for the procurement of lawful currency and things of value, wrongfully and unlawfully make and utter to the Consolidated Open Mess, Accounting and Finance Office, and Army and Air Force Exchange Service eight drafts of a value of \$1137.45, then knowing that you did not or would not have sufficient funds for the payment of these in full upon their presentment. For this offense, you received an Article 15 dated 7 June 1993 and necessitated this action. (See atch 1d)

3. This action could result in your separation with 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.

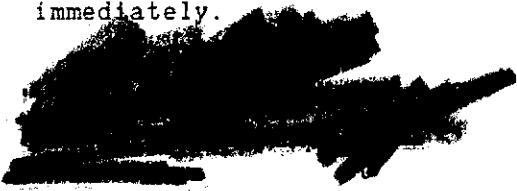
5. You were given a medical examination at the 775 ABG Clinic on 29 Oct 92.

6. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult the Area Defense Counsel at Dorm 1 on 8 Jun 93 at 0920 hours. 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 AFR 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 seven (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 in the Unit Orderly Room.

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



2 Atchs

1. Documents Supporting
Reasons for Discharge

a. LOR/UIF dtd 24 Sep 92
w/atchs

b. LOR/UIF dtd 25 Sep 92 w/atchs

c. Art 15 dtd 5 Oct 92

d. Art 15 dtd 7 Jun 93

2. Other Documents Containing
Derogatory Information

a. Failure to Repair Ltr dtd
28 Sep 92

b. CDC Examination Failure Ltr
dtd 23 Oct 92

c. LOR/UIF dtd 10 Dec 92 w/atchs