

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

(Last Name, First Name, Middle Initial)										
TYPE GEN		X	PERSONAL APPEARANCE					RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No	[REDACTED]				[REDACTED]				
X										
MEMBER SITTING						VOTE OF THE BOARD				
						HON	GEN	UOTHC	OTHER	DENY
						X+				
						X+				
										X
										X
						X+				
ISSUES		A94.06		INDEX NUMBER		A67.05		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		19 Apr 2005		CASE NUMBER		FD-2004-00488				
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 and the right to submit an application to the AFBCMR.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY</p>										
[Signature]										
INDORSEMENT										
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-2004-00488

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB on 19 Apr 2005. The following witness also testified on the applicant's behalf: Mr. [REDACTED], the applicant's personal friend.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Affidavit from [REDACTED]

Exhibit #6: 2 Character reference letters

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety or inequity that would justify a change of discharge. However, based upon the record and evidence provided by the applicant, the Board finds the applicant's reason was too harsh and that authority for discharge should be changed.

ISSUE: Applicant contends that her discharge was "inequitable because it was based on one incident" and did not take into account the 3 years and 7 months of unblemished performance. The records indicated the applicant received one Article 15, with at least three specifications, one Letter of Counseling, and one Memorandum for Record for a missed medical appointment. The applicant was assigned to the 377th Comptroller Squadron, at Kirtland AFB, New Mexico, with duties that included reviewing TDY travel voucher claims. The critical act of misconduct that resulted in the applicant's discharge revolves around her submission of a claim for lodging expenses, along with a lost-receipt document, utilized by persons who have either misplaced or lost their proof of payment for authorized lodging. The record reflects the applicant shared quarters with a male individual, allegedly neither a boyfriend nor a family member (which is otherwise prohibited), for the duration of her TDY. The applicant also claimed that she paid the individual for her lodging expenses. A signed affidavit from the lessee of the quarters was submitted in evidence before the discharge authority and the DRB, indicating the applicant indeed made financial restitution for lodging. Upon returning from her TDY location and filing the claim for reimbursement, the applicant's claim was audited, as is normal policy for members of her organization. When confronted by her supervisory chain, the applicant confessed to her misdeeds, but indicated she had often given out lost-receipt forms to many customers in the performance of her duties, and found no harm in utilizing the document for herself (although regretfully in retrospect). In the applicant's case she was indeed attending an authorized TDY and was authorized to live in other than base quarters due to non-availability of on base lodging facilities. The Board considered the seriousness of the offense, as a finance official, her commander's expressed regret for her departure from the unit following her approval for cross-training, her demonstrated performance over 3 years and 7 months before (includes Airman of the Quarter) and following her discharge (now financial manager for a major corporation) and concluded the misconduct was a significant departure from the applicant's demonstrated work ethic and performance record for the years and months preceding her acts of misconduct and since her discharge. The DRB found the characterization of the discharge received by the applicant to be inappropriate.

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.

However, in view of the foregoing findings the Board finds the applicant's discharge was too harsh and that the overall quality of her service is more accurately reflected by an Honorable discharge. The applicant's reason for discharge should also be changed to Secretarial authority, under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Kirtland AFB, NM on 26 May 04 UP AFI 36-3208, para 5.52 (Pattern of Misconduct - Commission of a Serious Offense. Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Aug 78. Enlmt Age: 21 3/12. Disch Age: 25 9/12. Educ: HS DIPL. AFQT: N/A. A-89, E-75, G-82, M-78. PAFSC: 6F051 - Financial Management & Comptroller. DAS: 13 Jul 00.

b. Prior Sv: (1) AFRes 1 Nov 99 - 25 Jan 00 (2 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 26 Jan 00 for 4 yrs. Svd: 4 Yrs 4 Mo 01 Das, all AMS.

b. Grade Status: A1C - 24 Feb 04 - (Art 15 dtd 24 Feb 04)
SrA - 26 May 02

c. Time Lost: None.

d. Art 15's: (1) 24 Feb 04, Kirtland AFB, NM - Article 107. You, did, or about 29 Oct 03, with intent to deceive, make to Major [REDACTED] an official statement, to wit: the apartment complex took in renters without a lease for rent paid up front and you paid that rent to the apartment complex, or words to that affect, which statement was false in that you did not pay rent to the apartment, and that the apartment does not accept rent without a lease, and was then known by you to be so false. You did, on 29 Oct 03, with intent to deceive, make to Major [REDACTED] an official statement, to wit: You did not pay [REDACTED] for rent, or words to that affect, which statement was totally false, and was then known to you to be so false. You did, on or about 29 Oct 03, with intent to deceive, make to Major [REDACTED] an official statement, to wit: You received small square paper receipts like those bought at Wal-mart but you didn't know where they were, they were lost with the non-availability statement, or words to that affect, which statement was totally false, and was then known by you to be so false. You did, on or about 29 Oct 03, with intent to deceive, make to Major [REDACTED] an official statement, to wit: You borrowed \$400.00 from a friend named [REDACTED] to pay

your rent up front, or words to that affect, which statement was totally false, and was then known by you to be so false. Article 132. You, for the purpose of obtaining the approval, allowance, and payment, of a claim against the United States in the amount of about \$1992.00, did, on or about 20 Oct 03, make and use a certain writing, to wit: Air Force Materiel Command Form 218, Lost Receipt form, which said writing, as you then knew, contained a statement that you lost your receipt for lodging from Beach View Apartments, which statement was false and fraudulent in that you never received a receipt from Beach View Apartments, and was then known by you to be false and fraudulent. You, did, on or about 26 Oct 03, by presenting a voucher to 2Lt [REDACTED], an officer of the United States duly authorized to approve and pay such claim, present for approval and payment a claim against the United States in the amount of about \$1992.00 for lodging expenses during your temporary duty to Keesler AFB MS, which claim was false and fraudulent in the amount of about \$1992.00 in that you were not entitled to reimbursement while living with a friend, and was then known by you to be false and fraudulent. Reduction to A1C. Forfeiture of \$250.00 pay per month for 2 months. (Appeal/Denied) (No mitigation)

- e. Additional: LOC, 2 APR 02 - Provoking speech and gestures;
 Insubordinate conduct towards a
 noncommissioned officer; Disrespect
 toward a superior commissioned officer.
 MFR, 5 Aug 02 - Missed Medical Appointment.

f. CM: None.

- g. Record of SV: 26 Jan 00 - 31 Aug 01 Kirtland AFB, NM 5 (HAF Dir)
 01 Sep 01 - 31 Aug 02 Kirtland AFB, NM 5 (Annual)
 01 Sep 02 - 31 Aug 03 Kirtland AFB, NM 4 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSA, AFGCM.

- i. Stmt of Sv: TMS: (4) Yrs (6) Mos (26) Das
 TAMS: (4) Yrs (4) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Dec 04
 (Change Discharge to Honorable)

Issue 1: ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Brief
2. Response to Notification of Investigation of Lodging Reimbursement.
3. ART 15, dated 24 Feb 04.
4. Discharge documentation.
5. Letter of Counseling, dated 2 Apr 02.
6. Memorandum for Missed Medical Appointment, dated 5 Aug 02.
7. Ten Character References.
8. Four Letter of Appreciation.
9. Certificate for Quarterly Award Nominee.
10. Performance Feedback Worksheet.
11. Registration Form for Continuing Education.

8FEB04/day

DEC 09 2004

AA FD 2004-00488

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL
FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	E-3/A1C				

2. DATE OF DISCHARGE OR SEPARATION
(YYYYMMDD) (If date is more than 15 years
ago, submit a DD Form 149)

20040526

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)

<input type="checkbox"/> HONORABLE
<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS
<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS
<input type="checkbox"/> BAD CONDUCT (Special court-martial only)
<input type="checkbox"/> UNCHARACTERIZED
<input type="checkbox"/> OTHER (Explain)

5. BOARD ACTION REQUESTED (X one)

<input checked="" type="checkbox"/> CHANGE TO HONORABLE
<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:

3. UNIT AND LOCATION AT DISCHARGE
OR SEPARATION
377 CPTS/FMFC, Kirtland AFB, NM

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

My discharge is unequitable because it was based on one sole incident that occurred 3 years 7 months into my enlistment. The incident leading to my discharge happened while crosstraining into 3C0X1. I had extended for 24 months to qualify for the crosstrain. The investigation and discharge lasted 2 months into my extension period. The incident disqualified me for my previous career field or the new career field. My commander chose to discharge me due to misconduct. I have received an Article 15 for the

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD)

AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17.)

(If military documents or medical records are relevant to your case, please send copies.)

AF Form 3070, dated 17 Feb 04, and response letter

AF Form 3070, dated 24 Feb 04, and response package

Memorandum for 377 MSG/CC with backup documentation and response letter

9. TYPE OF REVIEW REQUESTED (X one)

<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS
(See Item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

<input type="checkbox"/> SPOUSE	<input type="checkbox"/> WIDOW	<input type="checkbox"/> WIDOWER	<input type="checkbox"/> NEXT OF KIN	<input type="checkbox"/> LEGAL REPRESENTATIVE	<input type="checkbox"/> OTHER (Specify)
---------------------------------	--------------------------------	----------------------------------	--------------------------------------	---	--

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE
(Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER
(Do not write in this space.)FD-2004-
00488

a. SIGNATURE (Item 11 above)

b. DATE SIGNED - REQUIRED
(YYYYMMDD)

2004/203

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

misconduct. I could not cancel my extension due to regulations. I never considered the possibility that my previous service would have no bearing on my discharge. I believe that I earned an honorable discharge and should receive this discharge. I would just like to move forward in the civilian world using the core values still ingrained in me. This discharge I have does not allow me to move forward. I made one mistake that I am paying for with a less than honorable discharge. Please upgrade my discharge. I loved my service in the Air Force and would like to be able to be proud of my service. Thank you.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)**16. REMARKS (If applicable)****MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.****ARMY**

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593

FD2004-00488



DEPARTMENT OF THE AIR FORCE

377TH COMPTROLLER SQUADRON (AFMC)
KIRTLAND AIR FORCE BASE NEW MEXICO

6 May 04

MEMORANDUM FOR A1C [REDACTED]

FROM: 377 CPTS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically commission of a serious offense. The authority for this action is AFPD 36-32, *Military Retirements and Separations* (14 Jul 93) and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.52, (28 May 03). If my recommendation is approved, your service will be characterized as Honorable or General (Under Honorable Conditions). I am recommending that your service be characterized as General (Under Honorable Conditions).

2. My reasons for this action are that on 24 Feb 04, you received punishment under Article 15, UCMJ, (Atch A) for the following:

a. Violation of Article 107 (False Official Statement) for stating the following to me:

(1) "The apartment complex took in renters without a lease for rent paid up front and I paid that rent to the apartment complex," or words to that affect, which statement was false in that you did not pay rent to the apartment, and that the apartment does not accept rent without a lease;

(2) "I did not pay [REDACTED] for rent," or words to that affect, which statement was totally false;

(3) "I received small square paper receipts like those bought at WalMart but I don't know where they are. . . they are lost with the non-availability statements," or words to that affect, which statement was totally false; and

(4) "I borrowed \$400.00 from a friend named [REDACTED] to pay my rent up front," or words to that affect, which statement was totally false.

All of the above statements were totally false and they were then known by you to be totally false; and

[REDACTED]

b. Violation of Article 134 (Fraudulent Claim) for claiming the following lodging costs despite having stayed with a friend while assigned to Temporary Duty at Keesler Air Force Base, Mississippi:

(1) Approval, allowance, and payment, of a claim against the United States in the amount of \$1,992.00 for alleged lodging costs from the Beach View Apartments, through the use of AFMC Form 218, Lost Receipt Form, in which you represented that you lost your receipt for lodging from Beach View Apartments, when in fact you never had a receipt from Beach View Apartments; and

(2) Approval, allowance, and payment, of a claim against the United States in the amount of \$1,992.00 for alleged lodging costs from the Beach View Apartments through presentation of a voucher to 2Lt [REDACTED], an officer of the United States duly authorized to approve and pay such claim, when you were not entitled to reimbursement while living with a friend.

The above claims were false and fraudulent and then known by you to be false and fraudulent.

3. In recommending your characterization of service, I am also considering the following information:

a. On 2 Apr 02, you were disrespectful toward SSgt [REDACTED] and 1Lt [REDACTED] when you were approached regarding changes to operations of the Travel Computation section. For your actions, you received a Letter of Counseling (LOC) dated 2 Apr 02. (Atch B); and

b. On or about 2 Jul 02, you missed a scheduled PHA appointment. (Atch C)

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

5. You have the right to consult counsel. Military legal counsel will be obtained to assist you. The legal office will make an appointment for you to consult with an area defense counsel. You may consult civilian counsel at your own expense.

6. You have the right to submit statements on your own behalf. Any statements that you want the separation authority to consider must reach me within 3 workdays from today unless you request and receive an extension. I will forward any timely written statements to the separation authority.

[REDACTED]

7. 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.
8. The Legal Office will obtain a mandatory medical examination for you at the 377th Medical Group (Family Practice).
9. 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 or at the Area Defense Counsel's office, located at building 20361, 8201 K Street, Kirtland AFB, NM 87117.
10. Complete the attached Receipt of Notification Memorandum and return it to me immediately.


Major, USAF
Commander

Attachments:

- A. Art 15, UCMJ, dated 24 Feb 04
 - B. LOC, dated 2 Apr 02
 - C. MFR, dated 5 Aug 02
 - D. Receipt of Notification Memorandum
- 