

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

(INITIAL)

|                 |  |                            |          |                      |
|-----------------|--|----------------------------|----------|----------------------|
| <b>TYPE GEN</b> |  | <b>PERSONAL APPEARANCE</b> | <b>X</b> | <b>RECORD REVIEW</b> |
|-----------------|--|----------------------------|----------|----------------------|

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|----------------|-----------|--|--|---|
| <b>COUNSEL</b> |           | <b>NAME OF COUNSEL AND OR ORGANIZATION</b> |  | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> |
| <b>YES</b>     | <b>No</b> |  |  |   |
|                | <b>X</b>  |  |  |   |

| <b>MEMBER SITTING</b> | <b>VOTE OF THE BOARD</b> |     |       |       |      |
|-----------------------|--------------------------|-----|-------|-------|------|
|                       | HON                      | GEN | UOTHC | OTHER | DENY |
|                       |                          |     |       |       | X    |
|                       |                          |     |       |       | X    |
|                       |                          |     |       |       | X    |
|                       |                          |     |       |       | X    |
|                       |                          |     |       |       | X    |

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| <b>ISSUES</b> <b>A94.05</b> | <b>INDEX NUMBER</b> <b>A67.10</b> | <b>EXHIBITS SUBMITTED TO THE BOARD</b>                       |
|                             |                                   | <b>1</b> ORDER APPOINTING THE BOARD                          |
|                             |                                   | <b>2</b> APPLICATION FOR REVIEW OF DISCHARGE                 |
|                             |                                   | <b>3</b> LETTER OF NOTIFICATION                              |
|                             |                                   | <b>4</b> BRIEF OF PERSONNEL FILE                             |
|                             |                                   | COUNSEL'S RELEASE TO THE BOARD                               |
|                             |                                   | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE |
|                             |                                   | TAPE RECORDING OF PERSONAL APPEARANCE                        |

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| <b>HEARING DATE</b><br><b>28 Jul 2005</b> | <b>CASE NUMBER</b><br><b>FD-2005-00024</b> |  |
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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.

Names and votes will be made available to the applicant at the applicant's request.

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| SIGNATURE OF RECORDER | SIGNATURE OF BOARD PRESIDENT |
|-----------------------|------------------------------|

|                    |                       |
|--------------------|-----------------------|
| <b>INDORSEMENT</b> | <b>DATE: 8/1/2005</b> |
|--------------------|-----------------------|

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|--|---|
| <b>TO:</b><br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7002 |
|--|---|

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2005-00024

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s. One for misrepresented that he was continuing physical therapy three days a week and for making a false official statement. The other one for writing bad checks. In addition, he received three Letters of Reprimand, two Letters of Counseling, and two Records of Individual Counseling for various acts of misconduct to include being late for duty, failure to go, failure to pay just debts, writing bad checks, and for wrongfully using his government credit card. 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.

**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

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Robins AFB, GA on 23 Apr 97 UP AFI 36-3208, para 5-49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Nov 69. Enlmt Age: 23 3/12. Disch Age: 27 5/12. Educ: HS DIPL. AFQT: N/A. A-45, E-60, G-70, M-60. PAFSC: 3C051 - Communications/Computer Systems Operation Journeyman. DAS: 1 Oct 93.

b. Prior Sv: (1) AFRes 03 Mar 93 - 01 Jun 93 (3 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 2 Jun 93 for 4 years. Svd: 03 Yrs 10 Mo 22 Das, all AMS.

b. Grade Status: A1C - 05 Mar 97 (Article 15, 5 Mar 97).  
SrA - 02 Oct 95

c. Time Lost: None.

d. Art 15's: (1) 5 Mar 97, Robins AFB, GA - Article 115. You did, between on or about 10 Jan 97 and 19 Feb 97, for the purpose of avoiding your service as an enlisted person, misrepresented that you were continuing physical therapy Mondays, Wednesdays and Fridays from 0730-0900 when you knew that your therapy was complete. Article 107. You did, on or about 31 Jan 97, with intent to deceive, make to TSgt [REDACTED], an official statement, to wit: you had to undergo physical therapy three days a week and would be out of the workcenter for at least two hours on these days, which statement was totally false, and was then known by you to be so false. Reduction to A1C. Reprimand and 30 days extra duty. (No appeal) (No mitigation)

(2) 19 Jan 96, Robins AFB, GA - Article 134. You did, in Cairo West, Egypt, between on or about 30 Oct 95 and 28 Nov 95, make and utter certain checks in words and figures as follows, to wit: 6 checks in the amount of \$315.00, and did thereafter dishonorably fail to maintain sufficient funds in the Robins Federal Credit Union for payment of such checks in full upon their presentment for payment. Suspended Reduction to E-3 and

suspended forfeiture \$250 pay per month for two months.  
 Forty-five days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 28 JAN 97 - Wrongfully using Government American Express Card in the Amount of \$853.00.  
 LOR, 02 MAY 95 - Writing check without sufficient funds, in the amount of \$60.84  
 LOC, 22 NOV 94 - Failed to go to his appointed place of duty.  
 LOC, 10 NOV 94 - Failed to pay a just debt, in the amount of \$395.00.  
 LOR, 04 OCT 94 - Without authority, left duty early.  
 RIC, 10 NOV 94 - Failure to go to his appointed place of duty.  
 RIC, 15 SEP 94 - Late for work.

f. CM: None.

- g. Record of SV: 02 Jun 93 - 01 Feb 95 Robins AFB 3 (Initial)  
 02 Feb 95 - 01 Feb 96 Robins AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM.

- i. Stmt of Sv: TMS: (04) Yrs (01) Mos (21) Das  
 TAMS: (03) Yrs (10) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Jan 05.  
 (Change Discharge to Honorable.)

Issue 1: ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Two letters of support.

28Feb05/day



To Whom It May Concern:

I was stationed at Robins Air Force Base from 1993 to 1997. I proudly served in the United States Air Force as a Communications-Computer Systems Operator. I took pride in my job and the performance of my duties. While stationed at Robins AFB, I had some financial difficulties. I may some poor decisions and was disciplined on these issues. As a young airman I made mistakes with my finances especially taking on the responsibilities of being a new father.

I was very good at doing my job. I also participated on the squadron bowling, football, and basketball team. In November 1996, I tore my anterior crucial ligament. After being excused from duty by my commander and the base doctors, my shop supervisor sent me over to the fixed communications side of the base to learn how things were done versus being in mobile communications. He only did it after he realized that he couldn't use me to go on the next training exercise. While working with fixed communications, I still had to go to rehabilitation to get the mobility back in my knee. My shop supervisor came by one day to see what I was doing and I had been at rehab. He then went by the gym where I was rehabbing and had left early to see my dorm manager about some changes to my room. When he couldn't locate me, he immediately started filing paperwork to get me released from the Air Force, even though I was scheduled to get out on June 1<sup>st</sup> of that year. My financial mismanagement from earlier in my Air Force career didn't help my case, although that was under a different shop supervisor who understood why I had been having those issues.

He forced me out of the Air Force and recommended that I be dishonorably discharged. My commander who was known for being a strict disciplinarian used me as an example as to any airman who didn't tow the line in his eyes. I was discharged from the Air Force and denied the opportunity to use my G.I. Bill, which was one the reasons why joined the service in the first place. My commander and shop supervisor knew these reasons and knew that without and honorable discharge I wouldn't be able to use my G.I. Bill, which would serve as further punishment for me.

I hold no grudge towards these men. I don't feel as if were a racial issue even though many of the white airmen in my unit had many of the same issues and yet nothing was done to them. I merely wish to have my discharge upgraded to honorable so that I can take advantage of the benefits granted to a veteran who loved and honorably served his country. Thank you for time in reviewing my case.





DEPARTMENT OF THE AIR FORCE  
HQ Warner Robins Air Logistics Center (AFMC)  
Robins Air Force Base Georgia

FD 2005-00074

U.S. AIR FORCE



1947 - 1997

21 March 1997

MEMORANDUM FOR A1C [REDACTED] 52 CBCS

FROM: 52 CBCS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. 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. You did at Robins Air Force Base, Georgia, between on or about 10 January 1997 and 19 February 1997, for the purpose of avoiding your service as an enlisted person misrepresent that you were continuing physical therapy Mondays, Wednesdays and Fridays from 0730-0900, knowing that your therapy was complete. You also did, on or about 31 January 1997, with intent to deceive, make to TSgt [REDACTED], an official statement, to wit: you had to undergo physical therapy three days a week and would be out of the workcenter for at least two hours on those days, which statement was totally false, and was then known by you to be so false. For these offenses you received an Article 15, UCMJ, Nonjudicial Punishment, dated 5 March 1997, which was placed in your existing Unfavorable Information File.

b. You did from on or about 1 August 1996 to on or about 31 August 1996, violate a lawful general instruction, to wit: AFI 65-104, by wrongfully using your Government American Express card to purchase items not related to official government travel in the amount of \$853.00. For this you received a Letter of Reprimand dated 28 January 1997, which was placed in your existing Unfavorable Information File.

c. You did, in Cairo West, Egypt, between on or about 30 October 1995 and 28 November 1995, make and utter six checks to DAO and AFO Mountain Home AFB, Idaho, in the total amount of \$315.00, and did thereafter dishonorably fail to maintain sufficient funds in the Robins Federal Credit Union for payment of said checks in full upon their presentment for

payment. For this you received an Article 15, UCMJ, Nonjudicial Punishment, dated 19 January 1996 which was placed in your existing Unfavorable Information File.

d. You did, at or near Macon, Georgia, on or about 30 March 1995, make and utter to Starship Records a certain check in the amount of \$60.84, and did thereafter dishonorably fail to maintain sufficient funds in the financial institution for payment of said check in full upon its presentment for payment. For this you received a Letter of Reprimand dated 2 May 1995, which was used to establish an Unfavorable Information File.

e. You did, on or about 22 November 1994, fail to go to your appointed place of duty at the time prescribed. For this you received a Letter of Counseling dated 22 November 1994.

f. You did, on or about 26 October 1994, fail to pay a just debt to Foxwood Apartments in the amount of \$395.00. For this you received a Record of Individual Counseling dated 10 November 1994.

g. You did, on 26 September 1994, without authority, go from your appointed place of duty. For this you received a Letter of Reprimand dated 4 October 1994.

h. You did, on 15 September 1994, without authority, fail to go to your appointed place of duty at the time prescribed. For this you received a Record of Individual Counseling dated 15 September 1994.

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. 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 Office, building 368, ext 6-5852, on 24 March 1997, at 0900 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 by **26 March 1997** 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. **You have been scheduled for a physical examination on 1 April 1997, at 0700 hours.** You must report to Physical Exams Section, Building 207. You must be in uniform and have

your medical records with you. **You need to report to the laboratory prior to 28 March 1997, for blood and urine work-up.**

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 at the Area Defense Counsel or your unit orderly room.

A large, irregular black redaction mark covers the signature area of the document.

\_\_\_\_\_, Major, USAF  
Commander

2 Attachments:

1. Supporting documents
  - a. AF Form 1137
  - b. AF Form 3070 dtd 5 Mar 97 w/Atchs
  - c. AF Form 1058 dtd 6 Feb 97 w/Atchs
  - d. AF Form 3070 dtd 19 Jan 96 w/Atchs
  - e. AF Form 1058 dtd 11 May 95 w/Atchs
  - f. LOC dtd 22 Nov 94
  - g. AF Form 174 dtd 10 Nov 94
  - h. LOR dtd 4 Oct 94
  - i. AF Form 174 dtd 15 Sep 94
2. Airman's receipt of notification memorandum