

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AMN	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
	X+				
	X*+				
	X				
	X*+				
	X*+				

ISSUES A93.12	INDEX NUMBER A67.50	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 02 Jun 2005	CASE NUMBER FD-2005-00036	

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.

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

* CHANGE RE CODE
+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT **DATE: 6/2/2005**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00036

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

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, change of reason and authority for discharge, and change of reenlistment code are approved.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's discharge and reason and authority for discharge inequitable.

ISSUE: Applicant does not contest his discharge. He states that he made errors in judgment that led to immature decisions. The records indicated the applicant received an Article 15 and one Letter of Reprimand for financial irresponsibility. He also received a Letter of Reprimand for leaving trash outside his dorm room. The Board took into consideration the almost three years of service with no misconduct other than the financial irresponsibility that occurred during his last four months of service. The applicant submitted statements from employers, friends and banking/credit union institutions attesting to his character and trustworthiness. Due to the fact that the debts were repaid and the applicants' post-service behavior, i.e. no problems concerning financial irresponsibility, the majority of the Board opined that the applicants' service is more appropriately characterized by an Honorable discharge.

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 further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority. Also, the RE Code should be changed to 3K 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

[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Davis-Monthan AFB, AZ on 4 Sep 98 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 11 May 78. Enlmt Age: 17 6/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-86, E-88, G-94, M-93. PAFSC: 3E731 - Fire Protection Apprentice. DAS: 3 Jun 96.

b. Prior Sv: (1) AFRes 13 Nov 95 - 26 Dec 95 (1 month 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Dec 95 for 4 yrs. Svd: 2 Yrs 8 Mo 8 Das, all AMS.

b. Grade Status: AMN - 19 Aug 98 (Article 15, 19 Aug 98)
A1C - 27 Apr 97
AMN - 27 Jun 96

c. Time Lost: None.

d. Art 15's: (1) 19 Aug 98, David-Monthan AFB, AZ - Article 134. You, did, at or near Tucson, Arizona, on or about 22 Jun 98, make and utter to [REDACTED] a certain check, in words and figures as follows, to wit: Check No. 1213, in the amount of \$100.00, dated 22 Jun 98, in payment of a debt, and did thereafter dishonorably fail to maintain funds in the Bank of America for payment of such check in full upon its presentment for payment. You, did, on or about 12 Jul 98, make and utter to [REDACTED] a certain check, in words and figures, to wit: Check No. 1173, in the amount of \$300.00, dated 12 Jul 98, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Bank of America for payment of such check in full upon its presentment for payment. Reduction to Airman, and 10 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 05 JUN 98 - Financial irresponsibility.
LOR, 19 FEB 97 - Left trash outside dorm room.

f. CM: None.

g. Record of SV: 27 Dec 95 - 26 Aug 97 Davis-Monthan AFB 3 (Initial)
27 Aug 97 - 26 Jul 98 Davis-Monthan AFB 2 (Cmdr Dir)REF

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (22) Das
TAMS: (2) Yrs (8) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jan 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BREIF.

ATCH

1. Applicant's Issues.

9MAR05/ia



DEPARTMENT OF THE AIR FORCE
355TH CIVIL ENGINEER SQUADRON (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

FD 2005-00036

31 Aug 98

MEMORANDUM FOR AMN [REDACTED]

FROM: 355 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically a pattern of misconduct 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 may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. Between on or about 22 Jun 98 and 12 Jul 98, you dishonorably failed to maintain sufficient funds in the Bank of America for payment of check number 1213, in the amount of \$100.00, dated 22 Jun 98, and check number 1173, in the amount of \$300.00, dated 12 Jul 98. As a result, you received an Article 15, which was placed in your existing Unfavorable Information File (UIF) (Tab A).

b. Between on or about 7 Apr 98 and 30 Apr 98, you dishonorably failed to maintain sufficient funds in your account for payment of checks written to [REDACTED] in the amount of \$180.00, and [REDACTED] in the amount of \$40.00. You were also negligent for failing to maintain sufficient funds for two checks written to the Enlisted Club, one for \$10.00 and one for \$6.45. As a result, you were verbally counseled, received a Letter of Reprimand (LOR), a UIF was established, and you were placed on the control roster (Tab B).

c. On or about 14 Feb 97, trash from your dormitory room was found outside your door on the walkway. As a result, you received an LOR (Tab C).

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 will probably be denied enlistment in any component of the armed forces 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, [REDACTED] building 3510, 3rd floor, west end, extension 5664, has been obtained to assist you. An appointment has been scheduled for you to consult him on 31 Aug 98 at 1430 hours. In addition to military counsel, you have the right to employ 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 3 Sep 98 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 medical examination. You must report to the Physical Exams Office of the Aeromedical Facility, Bldg 412, Rm 3 at 1300 on 31 Aug 98 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 at the Area Defense Counsel's office, bldg 3510.
9. Execute the attached acknowledgment and return it to me immediately.



Attachments:

1. Supporting Documents
 - a. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 28 Aug 98, 3 pages
 - b. LOR, dated 5 Jun 98, 2 pages
Response of Amn Lee to LOR and UIF, dated 19 Jun 98
AF 1137, UIF Summary, undated
AF 1058, UIF Action, dated 9 Jul 98
 - c. LOR, dated 19 Feb 97, 2 pages
2. Airman's Receipt of Notification Memorandum