

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE A1C	AFSN/SSAN ████████████████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.36	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 12 Aug 2005	CASE NUMBER FD-2005-00120			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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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INDORSEMENT		DATE: 8/12/2005
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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00120

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, two Letters of Reprimand, and one Memorandum for Record for misconduct. The misconduct included failure to pay government travel card, financial irresponsibility, driving with a suspended license, missed appointment, failed to pay automobile loan in the amount of \$1650.00, uttered 22 checks totaling more than \$700.00 and failed to maintain sufficient funds in this bank account. The board was also aware that the applicant was also diagnosed with an impulse control disorder-gambling. The applicant was found to be mentally responsible for his behavior by the mental health physicians at Lajes Field. 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

[REDACTED]

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Scott AFB, IL on 15 Oct 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: 14 Mar 73. Enlmt Age: 22 7/12. Disch Age: 28 7/12. Educ: HS DIPL. AFQT: N/A. A-25, E-52, G-42, M-47. PAFSC: 2A551J - Aerospace Maintenance Journeyman. DAS: 8 Nov 00.

b. Prior Sv: (1) AFRes 31 Oct 95 - 5 Mar 96 (4 months 3 days) (Inactive).

(2) Enlisted as AB 6 Mar 96 for 4 yrs. Svd: 3 yrs 5 months 3 days, all AMS. AMN - 6 Sep 96. A1C - 6 Jul 97. SrA - 6 Mar 99. EPRs: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 9 Aug 99 for 6 yrs. Svd: 2 Yrs 2 Mo 6 Das, all AMS.

b. Grade Status: A1C - 20 Sep 01 (Article 15, 20 Sep 01)

c. Time Lost: None.

d. Art 15's: (1) 20 Sep 01, Lajes Field, Azores - Article 134. You did, on divers occasions, between on or about 14 Apr 01 and on or about 11 Jun 01, utter to the Lajes Field, Azores Commissary 22 checks, in the total amount of \$3,950.91, drawn upon the Armed Forces Bank, made payable to the order of Defense Finance and Accounting Service Europe DFAS-Europe, DSSN 5770, and signed by you, for the purpose of purchasing items from the Lajes Field, Azores Commissary, and did thereafter dishonorably fail to maintain sufficient funds in said bank for payment of said checks in full upon presentment. Reduction to A1C. (No appeal) (No mitigation)

(2) 01 Jul 01, Lajes Field, Azores - Article 134. You, being indebted to Ford Credit Service Center in the sum of \$1650.30 for multiple monthly car payments, which amount became due and payable on or about 21 Mar 01, did, from 21 Mar 01 to 26 Jun 01, dishonorably fail to pay said debt. Suspended reduction to A1C. Suspended forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

- e. Additional: MFR, 02 AUG 01 - Driving with a suspended driver's license,
and missing an appointment.
LOR, 14 JUN 01 - Financial irresponsibility.
LOR, 06 APR 01 - Failure to pay government travel card.
- f. CM: None.
- g. Record of SV: 6 Nov 98 - 5 Nov 99 Travis AFB 5 (Annual)
5 Nov 99 - 5 Nov 00 Travis AFB 5 (Annual)
- h. Awards & Decs: AFAM, AFLSAR, AFTR, AFOUA W/1 DEV, AFGCM.
- i. Stmt of Sv: TMS: (5) Yrs (11) Mos (15) Das
TAMS: (5) Yrs (7) Mos (10) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 22 Feb 05.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 6 years of service with no other adverse actions. Please review all records, and EPR's (sic). I feel this was an isolated problem and wish to have it changed.

ATCH

None.

6MAY05/ia



DEPARTMENT OF THE AIR FORCE
729TH AIR MOBILITY SQUADRON (AMC)
LAJES FIELD AZORES PORTUGAL

MEMORANDUM FOR [REDACTED]

25 Sep 01

FROM: 729 AMC/CC

SUBJECT: Discharge Notification Letter

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.50. If my recommendation is approved, your service will be characterized as either an honorable or under honorable conditions (general) discharge. I am recommending that your service be characterized with an under honorable conditions (general) discharge.

2. My reasons for this action are:

a. Between 16 July 2000 and 5 August 2000, you used your government travel card while TDY. You then failed to pay off your card balance and were over 180 days delinquent as of 6 April 2001. You also used the government travel card during your PCS move. Although you were reimbursed for your PCS expenses, you failed to pay that portion of your government travel card debt as well. For these offenses, you received a Letter of Reprimand dated 6 April 2001, and an UIF was established on 11 April 2001. (Atch 2,3)

b. During April 2001 you issued four checks to AAFES in the amount of \$932.00 for which you failed to maintain sufficient funds in your account to pay such checks. For this offense you received a Letter of Reprimand dated 14 June 01. (Atch 4)

c. Between 21 March 01 and 26 June 01, you failed to pay your monthly car payments. For this offense, you were given non-judicial punishment, dated 9 Jul 01, and received a reduction to the grade of A1C and forfeitures of \$200.00 per month for 2 months, both of which were suspended. (Atch 5)

d. On 2 August 2001 you were driving on a suspended license. For this offense, you were counseled as evidenced by a memorandum for record dated 2 August 2001. (Atch 6)

e. Between 14 April 2001 and 11 June 2001 you issued 22 checks to the commissary and then failed to maintain sufficient funds in your account to pay such checks. For this offense, you were given non-judicial punishment, dated 20 September 2001, and received a reduction to the grade of A1C. (Atch 7)

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. 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. For further information concerning possible separation benefits, contact the Military Personnel Flight.

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 [REDACTED], the Area Defense Counsel, Ramstein AB, Germany, DSN 314 480-2182/2492 at 1100 hours on 26 Sep 01. 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 by 3 workdays, 28 Sep 01, 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 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 Flight Medicine, Building T-416 ([REDACTED]), in uniform, at 1530 hours on 27 Sep 01 for the examination. If you wear glasses, you will need to bring them to the appointment. Call Physical Exams at extension 2-5160 if you have any questions.

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 the orderly room.

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

[REDACTED]
Commander, 729 AMS

Attachments:

1. Letter of Acknowledgement for Discharge
2. Letter of Reprimand, dated 6 Apr 01
3. AF Form 1058, dated 11 Apr 01
4. Letter of Reprimand, dated 14 Jun 01
5. Article 15, dated 9 Jul 01
6. Memorandum for Record, dated 2 Aug 01
7. Article 15, dated 20 Sep 01