

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

INITIAL)

TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	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

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

21 Oct 2005

CASE NUMBER

FD-2005-00186

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.

INDORSEMENT

DATE: 10/21/2005

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-2005-00186

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 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 four Article 15s, two Letters of Reprimand, and one Record of Individual Counseling for misconduct. The misconduct included financial irresponsibility and being absent without authority. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her 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 AMN) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Moody AFB, GA on 16 Jan 03 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: 18 Dec 78. Enlmt Age: 18 10/12. Disch Age: 24 0/12. Educ: HS DIPL. AFQT: N/A. A-67, E-41, G-48, M-39. PAFSC: 2S051 - Supply Management Journeyman. DAS: 27 Nov 01.

b. Prior Sv: (1) AFRes 24 Oct 97 - 18 Mar 98 (4 months 23 days) (Inactive).

(2) Enlisted as Amn 19 Mar 98 for 4 yrs. Svd: 3 yrs 4 months 10 days, all AMS. A1C - 19 Jan 99. SrA - 19 Mar 01. EPRs: 4,5,5.

3. SERVICE UNDER REVIEW:

a. Reenlisted as SrA 30 Jul 01 for 4 yrs. Svd: 1 Yrs 5 Mo 17 Das, all AMS.

b. Grade Status: AB - 25 Nov 02 (Vacation of Article 15, 19 Dec 02)
Amn - 25 Nov 02 (Article 15, 25 Nov 02)

c. Time Lost: None.

d. Art 15's: (1) 19 Dec 02, Vacation, Moody AFB, GA - Article 134. You, being indebted to the Child Development Center in the sum of \$210.00 for child care services, which amount became due and payable on or about 27 Nov 02, did, from 27 Nov 02, to 16 Dec 02, dishonorably fail to pay said debt. Reduction to AB. (No appeal) (No mitigation)

(2) 25 ^{Nov} Dec 02, Moody AFB, GA - Article 86. You, did, on or about 12 Nov 02, without authority, absent yourself from your unit, and did remain absent until on or about 13 Nov 02. Reduction to AB (below Amn suspended). (No appeal) (No mitigation)

(3) 22 Nov 02, Vacation, Moody AFB, GA - Article 134. You, being indebted to the Child Development Center in the sum of \$402.00 for child care services, which amount became due and payable on or about 15 Oct 02, did, from 15 Oct 02, to 15 Nov 02, dishonorably fail to pay said debt. Reduction to A1C. (No appeal) (No mitigation)

(4) 22 Oct 02, Moody AFB, GA - Article 134. You, being indebted to [REDACTED] in the sum of \$1375 for rent and fees, which amount became due and payable on or about 7 Oct 02, did, at or near Valdosta, Georgia, from on or about 7 Oct 02, to on or about 10 Oct 02, dishonorably fail to pay said debt. Suspended reduction to A1C. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 31 MAY 02 - Financial irresponsibility.
RIC, 28 MAY 02 - Financial irresponsibility.
LOR, 11 JAN 02 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 13 Jun 01 - 12 Jun 02 Moody AFB 4 (Annual)

h. Awards & Decs: AFAM, AFTR, AFOSLTR, AFLSAR W/1 DEV, NDSM, NCOPMER, AFOUA W/2 DEVS, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (2) Mos (23) Das
TAMS: (4) Yrs (9) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 30 Apr 05.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: Request for my discharge code be changed from 2B because that stops me from ever serving in the military and I know that I was a good worker on the job. I know that if given the chance I can be that good worker once again. I just have to be given that chance to prove it. I just want to serve my country and acknowledge my skills in which I have already gained from the military.

ATCH

1. DD Form 214.

15JUN05/ia



FD 2005-80/86

DEPARTMENT OF THE AIR FORCE

347TH RESCUE WING (ACC)
MOODY AIR FORCE BASE, GEORGIA

30 December 2002

MEMORANDUM FOR AB [REDACTED] 347 LRS

FROM: 347 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline (pattern of misconduct). The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

- a. On or about 11 Jan 02, you were found to be delinquent in paying your Government Travel Card in the amount of \$1308.32. For this offense, you received a Letter of Reprimand (LOR), dated 11 Jan 02 (Atch 1a).
- b. On 28 May 2002, you were counseled regarding your financial irresponsibility. You were warned at that time that future financial irresponsibility could result in separation from the Air Force. For this offense, you received a letter of counseling (LOC), dated 28 May 2002, (Atch 1b).
- c. In Feb 02, you dishonorably failed to maintain sufficient funds in your account and bounced a check for \$1000. You were also twenty-two days late in paying your rent for the month of May. For these offenses, you received an LOR, dated 31 May 02, which was used to establish your unfavorable information file (Atch 1c).
- d. You owed [REDACTED] \$1375.00 for rent and fees, which became due on or about 7 Oct 02. From on or about 7 Oct 02 to on or about 10 Oct 02, you failed to pay [REDACTED] said debt. For this offense, you received punishment pursuant to Article 15, UCMJ, dated 22 Oct 02. Your punishment included a suspended reduction to the rank of airman first class, suspended through 21 Apr 03, after which time it will be remitted without further action, unless sooner vacated. (Atch 1d). This was also added to your unfavorable information file.
- e. You owed the Child Development Center in the sum of \$402.00 for child care services, which became due on or about 15 Oct 02. From on or about 15 Oct 02 to 15 Nov 02, you failed to pay the Child Development Center said debt. For this offense, your suspended punishment under the Article 15 (Atch 1d) was vacated on 22 Nov 02 (Atch 1e). You were reduced to the grade of airman first class, with new date of rank of 22 Oct 02.

- f. On or about 12 Nov 02, you without authority did absent yourself from your unit, 347th Logistics Readiness Squadron, located at Moody Air Force Base, Georgia, and remained so absent until on or about 13 Nov 02. For this offense, you received punishment pursuant to Article 15, UCMJ, dated 25 Nov 02. Your punishment included reduction to the rank of airman basic, with reduction below airman suspended until 24 May 03, after which time it would be remitted without further action, unless sooner vacated (Atch 1f). Your new date of rank was 25 Nov 02.
- g. You owed \$210.00 to the Child Development Center for childcare services, which became due on or about 27 Nov 02. From on or about 27 Nov 02 to 16 Dec 02, you failed to pay said debt (Atch 1g). For this offense, your suspended punishment under the Article 15 (Atch 1f) was vacated on 19 Dec 02 (Atch 1g). You were reduced to the grade of airman basic, with new date of rank of 25 Nov 2002.

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 precluded from enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

- 3. 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 Capt [REDACTED] Area Defense Counsel, in Building 5107 Austin Ellipse, Moody AFB, GA, extension (DSN) 460-3421, on **31 December 2002 at 1000 hrs**. Please take your copy of this Notification Memorandum and attachments with you to your appointment. You may consult civilian counsel at your own expense.
- 4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me within **three** duty days after receipt of this notification letter unless you request and receive an extension for good cause shown. I will send them to the separation authority.
- 5. 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.
- 6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams, Building 3296, on **31 December 2002 at 1300 hrs** for the examination. This is a mandatory appointment. Be sure to bring your medical records to this appointment.
- 7. 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.

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


Commander, 347th Logistics Readiness Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. LOR, 11 Jan 02
 - b. LOC, 28 May 02
 - c. LOR, 31 May 02
 - d. AF Form 3070, 22 Oct 02
 - e. AF Form 366, 22 Nov 02
 - f. AF Form 3070, 25 Nov 02
 - g. AF Form 366, 19 Dec 02
2. Receipt of Notification Memorandum