

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	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	UOTHC	OTHER	DENY
	X				
	X				
	X				
	X				
	X				

ISSUES	A94.06	INDEX NUMBER	A67.90	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	CASE NUMBER
08 Dec 2005	FD-2005-00197

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.

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

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT 
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INDORSEMENT **DATE: 12/12/2005**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00197

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: The Board grants the requested relief.

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 characterization inequitable.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and a Vacation action under the UCMJ concerning his finances. The applicant served 4 ½ years of a six year enlistment and had an outstanding record until his last year when his financial problems arose. Based upon the evidence submitted with his package, the DRB believed the applicant's problems stemmed from his spouse exhausting their finances without the applicant's consent. In addition, the applicant has significant post-service conduct to include a tour of duty in the Army National Guard where he received an Honorable discharge. The Board concluded that the characterization of the discharge received by the applicant was found to be inequitable.

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 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Charleston AFB, SC on 13 Mar 00 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: 17 Jul 76. Enlmt Age: 19 1/2. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-51, E-38, G-44, M-32. PAFSC: 1C051 - Airfield Management Journeyman. DAS: 5 Apr 99.

b. Prior Sv: (1) AFRes 11 Sep 95 - 03 Oct 95 (0 mos 23 days) (Inactive).

(2) Enlisted as AB on 4 Oct 95 for 4 years. Svd: 3 yrs 00 mos 12 das all AMS. A1C - (APR indicates): 4 Oct 95 - 3 Jun 97. SrA - 4 Oct 98. EPRs: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 16 Oct 98 for 6 years. Svd: 01 Yrs 04 Mo 28 Das, all AMS.

b. Grade Status: A1C - 24 Sep 99 (Vacation, 12 Jan 00)

c. Time Lost: None.

d. Art 15's: (1) 12 Jan 00, Vacation, Ramstein AB, GE - Article 134. You did, on divers occasions between on or about 9 Oct 99 and on or about 18 Oct 99, make and utter to Community Bank, certain checks, in words and figures as follow, to wit: 9 Oct 99, Check #593, \$100.00 and 18 Oct 99 Check #594, \$399.93 for the purchase of lawful currency or things of value, a total of \$499.93 and did thereafter dishonorably fail to maintain sufficient funds in the Wachovia Bank of South Carolina for payment of said checks in full upon their presentation for payments. Reduction to A1C. (No appeal) (No mitigation)

(2) 24 Sep 99, Ramstein AB, GE - Article 134. You, being indebted to Nations Bank in the sum of \$7,031.90, more or less for lawful currency, articles of value, or things of value, which amount became due and payable on or about 28 May 99, did, on divers occasions between on or about 28 May 99 and on or about 10 Sep 99, dishonorably fail to pay said debt. Suspended reduction to A1C and Reprimand. (No appeal) (No mitigation)

e. Additional: NONE.

f. CM: None.

g. Record of SV: 04 Jun 98 - 06 Feb 99 Charleston AFB 5 (CRO)
07 Feb 99 - 06 Feb 00 Ramstein AB 1 (Annual)REF

h. Awards & Decs: AFLSA, AFTR, NDSM, AFOUA W/1 OLC, AFGCM.

i. Stmt of Sv: TMS: (04) Yrs (06) Mos (03) Das
TAMS: (04) Yrs (05) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 May 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. NGB Fm 22.
3. Three Letters of Recommendation.
4. National Dean's List.
5. Citation for Decoration.
6. Resume.
7. Leagl Documents.

19JUL05/day

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		
[REDACTED]	E-3		[REDACTED]		

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)
	20000313	<input checked="" type="checkbox"/> HONORABLE <input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	BAD CONDUCT (Special court-martial only)		CHANGE NARRATIVE REASON FOR SEPARATION TO:
	437 AW / Charleston AFB, SC		
OTHER (Explain)			

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

1. My discharge was inequitable because it was based on an isolated incident in 53 months and 9 days of service without any other advers actions. - My family fell into a financial hardship shortly after arriving in Germany. My wife at the time did not contribute any financial resources into the household. She did exhaust our finances without my consent bringing us in debt. I tried to stop the situation but she threatened to lie to my Command getting me into trouble. I was manipulated by my exwife. (I have attached

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

- Continuation of statement from section 6 of this document
- Army National Guard Discharge
- 3 Letter of Recommendations from employers and my University during and after separating from the Air Force.

9. TYPE OF REVIEW REQUESTED (X one)

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.

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.

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)
	N/A
	c. E-MAIL N/A
	d. FAX NUMBER (Include Area Code)
	N/A

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) N/A and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

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

[REDACTED ADDRESS]

b. TELEPHONE NUMBER (Include Area Code)
[REDACTED]
c. E-MAIL [REDACTED]
d. FAX NUMBER (Include Area Code)
N/A

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.)

a. SIGNATURE - REQUIRED (Print name of signatory above)	b. DATE SIGNED - REQUIRED (YYYYMMDD)	CASE NUMBER (Do not write in this space.) FD 2005-00197
[REDACTED SIGNATURE]	20050512	

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

supporting documentation from Child Protective Services in Michigan to show this board what her character was like. A year after I divorced her CPS found her guilty of abusing and neglecting my son. I exhausted all my savings fighting to save my son. I was awarded sole legal custody and now the doctors are saying that my son has a great chance of fully recovering from cerebral palsy.) I did make my own mistakes in the Air Force by bouncing a couple checks at the commissary trying to get food for my newborn son. I have taken full responsibility for my mistakes. The Air Force took the majority of my paychecks to pay towards the debts I owed. There were several times I only got \$180 on a paycheck. I had to feed my family and pay my bills with that little amount. I got an article 15 from my Commander and was ordered to financial counseling. I sat down with the councilor and attempted to create a budget. She recommended that I separate from the military so I can go back to the United States and get the resources I needed for my family. I submitted a request to my Commander for a hardship discharge. He denied my request and said he was going to make an example out of me. I discharged me administratively with a general misconduct discharge.

2. Since leaving the Air Force, I have furthered my career and my contributions to the military by enlisting // See Attachments//

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

- 4. Award Letter from National Deans List
- 5. Air Force Achievement Medal
- 6. Resumc - To show the board my accomplishments and my contributions to the community prior, during, and after my service with the Air Force.

PACKET (All Legal Documents)

- Court document - Shows I have sole legal custody of my son
- Last page of Child Protection Investigative Report
- Court document - placing my exwife on supervised visits for her abuse and neglect

16. REMARKS (If applicable)

SUMMARY:

I understand and accept responsibilities for my mistakes while serving in the Air Force. I served my time honorably while in the Air Force up until the incident involving my discharge. Since separating from the Air Force, I have served my country again Honorably in the Army, I have almost obtained my BA Degree in Criminal Justice Management, I have been awarded honors by the National Deans List for academic excellence, I have been an outstanding citizen to this country and my community, etc. I made a mistake years ago with several mitigating circumstances involved. I feel that all the great things I have done since my separation with the Air Force rectifies the mistake I made. I need this honorable discharge to further my career in law enforcement. I am hoping this board considers all the things I have done during and after my service with the Air Force while making the decision with my request.

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



Continuation of DD Form 293 – Section 6

in the Indiana Army National Guard. I spent 18 months and 29 days in the Army. I separated with an Honorable discharge.

3. I have maintained my finances since separating from the Air Force and I have been able to provide a safe, loving, and enjoyable environment for my son.

4. Since I left the Air Force, I have been attending college pursuing a BA Degree in Criminal Justice Management. I have been awarded honorary recognition by the National Deans List for academic excellence.



DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAFE)

MEMORANDUM FOR 86 AW/CC

FROM: 86 AW/JA

SUBJECT: Legal Review of Discharge – A1C [REDACTED] OSS

1. I have reviewed the administrative discharge action against A1C [REDACTED] initiated on 15 Feb 00 by Lt Col [REDACTED] 86 OSS/CC, and it is legally sufficient to support discharge.

2. BASIS FOR THE ACTION: Administrative discharge action was initiated pursuant to AFI 36-3208, paragraph 5.50.2, based on the respondent's pattern of misconduct. The worst service characterization authorized under this paragraph is under other than honorable conditions (UOTHC). A1C [REDACTED] discharge is based upon the following:

a. He did, at or near Ramstein AB, GE, on divers occasions between on or about 9 Oct 99 and on or about 18 Oct 99, make and utter to Community Bank, certain checks, in words and figures as follows, to wit:

9 Oct 99	Check #593	\$100.00
18 Oct 99	Check #594	\$399.93

For the purchase of lawful currency or things of value, of a total of \$499.93 and did thereafter dishonorably fail to maintain sufficient funds in the Wachovia Bank of South Carolina for payment of said checks in full upon their presentation for payment. For these actions, he received vacation of suspended nonjudicial punishment on 12 Jan 00. Punishment vacated was reduction to the grade of airman first class with a new date of rank of 24 Sep 99.

b. He, being indebted to Nations Bank in the sum of \$7,031.90 or more or less of lawful currency, articles of value, or things of value, which amount became due and payable on or about 28 May 99, did at or near Ramstein AB, GE, on divers occasions between on or about 28 May 99 and on or about 10 Sep 99, dishonorably fail to pay said debt. For this action, he received nonjudicial punishment on 24 Sep 99. Punishment imposed was reduction to the grade of A1C, suspended until 23 Jan 00, and a reprimand. This Article 15 was filed in his Unfavorable Information File (UIF) on 24 Sep 99.

3. MATTERS SUBMITTED BY THE RESPONDENT: After conferring with the Area Defense Counsel on 15 Feb 00, the member chose to waive his right to submit statements in his behalf.

4. DISCUSSION: The respondent's commander has directed that the respondent be separated from the USAF with a general discharge under AFI 36-3208, paragraph 5.50.2. for a pattern of misconduct prejudicial to good order and discipline. The respondent's acts of misconduct meet the definition of this paragraph.

5. OTHER MATTERS: Before the respondent can be discharged, he must be found medically qualified for worldwide duty in accordance with AFI 36-3208, paragraph 6.3. A1C [REDACTED] had his medical appointment on 16 Feb 00, and processing should not be delayed to wait for the medical report. You may authorize the discharge, but it will not be executed until the medical report is complete.

6. CHARACTERIZATION OF SERVICE:

a. Characterization of service should be based on the quality of the member's service in the current enlistment. The respondent has over four years and three months of military service. His current enlistment began on 4 Oct 95 for a term of 6 years. The respondent has received four EPRs in his current enlistment with promotion recommendations of 1, 5, 5, and 5.

b. The service of an airman discharged for drug abuse may be characterized as honorable, general, or UOTHC.

c. A general characterization is warranted when an airman's service has been honest and faithful, but significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record.


d. In this case, the instances of misconduct in the current enlistment cited as the basis for discharge constitute significant negative aspects of the respondent's service. However, the nature of the respondent's actions is not such that a board of officers would likely recommend an UOTHC discharge. The respondent's commander recommends a general discharge. I agree.

7. PROBATION AND REHABILITATION: Under AFI 36-3208, Chapter 7, the member is entitled to have probation and rehabilitation (P&R) considered by the discharge authority. P&R includes ordering a discharge and then suspending it until the member has successfully completed a period of P&R. The respondent's commander does not recommend P&R because previous rehabilitative efforts, creation of a UIF, nonjudicial punishment, and a vacation of suspended nonjudicial punishment have failed to alter the respondent's behavior. I concur.

8. ACTIONS WHICH MAY BE TAKEN: As the discharge authority, you have the following options:

- a. Direct that the respondent be retained in the USAF;
- b. Direct that the respondent be separated from the USAF with an honorable discharge, with or without P&R;
- c. Direct that the respondent be separated from the USAF with a general discharge, with or without P&R; or
- d. Return the case file to the unit for processing as an administrative discharge board case. This would permit a service characterization of UOTHC.

9. RECOMMENDATION: Direct that the respondent be separated from the USAF with a general discharge by signing Attachment 1.

 [REDACTED] Colonel, USAF
Staff Judge Advocate

Attachments:

1. Proposed Memo for 86 AW/CC
2. Discharge Package