

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE SRA	AFSN/SSAN [REDACTED]		
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			VOICE OF THE BOARD		
			HON	GEN	UOTHC
[REDACTED]			X		
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]			X		
ISSUES A93.09		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 27 Dec 2005		CASE NUMBER FD-2005-00220			
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>					
<p>Case heard at Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>					
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT			DATE: 12/28/2005		
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-2005-00220

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 does not contest his discharge. He states that he has matured over the past few years and learned to take more responsibility over things in his life. The records indicated the applicant received an Article 15 for failing to pay his debt from his Bank of America travel card. In addition, he also received four Letters of Reprimand, two Records of Individual Counseling and one Memorandum for Record for misconduct for failure to go and financial irresponsibility. 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. The board also noted that the applicant's problems happened in a 7-month period and that his 5 ½ years prior to that were satisfactory with no incidents of misconduct. If he can provide additional documented information to substantiate an issue, i.e., divorce and child support issues, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr F.E. Warren AFB, WY on 02 Dec 02 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: 11 Nov 74. Enlmt Age: 21 7/12. Disch Age: 28 0/12. Educ: HS DIPL. AFQT: N/A. A-42, E-47, G-41, M-43. PAFSC: 2T355 - Vehicle Body Maintenance Journeyman. DAS: 20 Sep 00.

b. Prior Sv: (1) AFRes 17 Jun 96 - 27 Aug 96 (2 months 11 days)(Inactive).

(2) Enlisted as AB 28 Aug 96 for 4 yrs. Svd: 03 yrs 04 months 22 days, all AMS. AMN - 28 Feb 97. A1C - 28 Dec 97. SrA - 28 Aug 99. EPRs: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 19 Jan 00 for 6 yrs. Svd: 02 Yrs 10 Mo 13 Das, all AMS.

b. Grade Status: SrA - 06 Aug 02 (Article 15, 06 Aug 02)
SSgt - 01 Jan 02

c. Time Lost: None.

d. Art 15's: (1) 06 Aug 02, F.E. Warren AFB, WY - Article 134. You, being indebted to Bank of America in the sum of \$1,248.70 for items of value, which amount became due and payable on or about 28 May 02, did, from on or about 28 May 02 through on or about 23 Jul 02, dishonorably fail to pay said debt. Reduction to SrA, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: LOR/UIF, 30 SEP 02 - Financial irresponsibility.
LOR/UIF, 24 SEP 02 - Failure to go.
LOR/UIF, 18 AUG 02 - Failure to go.
MFR, 06 AUG 02 - Financial irresponsibility.
LOR, 08 MAR 02 - Failure to go.
RIC, 07 MAR 02 - Late for work.
RIC, 19 FEB 02 - Failure to go.

f. CM: None.

- f. Record of SV: 28 Apr 99 - 27 Apr 00 Osan AB 5 (Annual)
28 Apr 00 - 27 Apr 01 F.E. Warren AFB 5 (Annual)
28 Apr 01 - 27 Apr 02 F.E. Warren AFB 3 (Annual)
- h. Awards & Decs: AFAM, AFLSAR, AFTR, NDSM, AFOUA W/1 OLC, AFGCM W/1 OLC.
- i. Stmt of Sv: TMS: (06) Yrs (05) Mos (16) Das
TAMS: (06) Yrs (03) Mos (06) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 06 Jun 05.
(Change Discharge to Honorable)

Issue 1: I feel as a person I've matured over the past few years and I've learned to take more responsibility over things in my life. I hope that you can see that I'm really a better person over the things that happened. Thank you.

ATCH

1. DD Form 214.

27JUL05/ia

FD 2005-00220

DEPARTMENT OF THE AIR FORCE
90TH SPACE WING (AFSPC)



MEMORANDUM FOR SrA [REDACTED]

25 Oct 02 JBL

FROM: 90 LRS/CC

SUBJECT: Notification Letter—Board Hearing

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct according to AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.50.2. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 13 Feb 02, were derelict in the performance of your duties, in that you willfully failed to report to your scheduled appointment. For this misconduct you received a Record of Individual Counseling (RIC), dated 19 Feb 02.

b. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 1 Mar 02; on or about 5 Mar 02; and on or about 7 Mar 02, were derelict in the performance of your duties, in that you failed to go at the time prescribed to your appointed place of duty, Bldg 1245. For this misconduct you received an RIC, dated 7 Mar 02.

c. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 8 Mar 02, were derelict in the performance of your duties, in that you willfully failed to go at the time prescribed to your appointed place of duty. For this misconduct you received a Letter of Reprimand (LOR), dated 8 Mar 02.

d. You, being indebted to Bank of America in the sum of \$1,248.70 for items of value, which amount became due and payable on or about 28 May 02, did at or near Francis E. Warren Air Force Base, Wyoming, from on or about 28 May 02 through on or about 23 Jul 02, dishonorably fail to pay said debt. For violation of UCMJ, Article 134, you received an Article 15, dated 6 Aug 02.

e. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 18 Aug 02, were derelict in the performance of your duties; in that you willfully failed to go at the time prescribed

to your appointed place of duty during a wing level recall. For this misconduct you received an LOR, dated 18 Aug 02. This information was placed in your Unfavorable Information File (UIF).

f. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 3 Sep 02, did show your supervisor a money order stub which you stated was a payment for your Bank of American Government Travel Card, which was false. On or about 25 Sep 02 an investigation disclosed that you in fact did not make that payment. For this misconduct you received an LOR, dated 30 Sep 02. This information was placed in your UIF.

g. You, at or near Francis E. Warren Air Force Base, Wyoming, on or about 19 Sep 02 and on or about 23 Sep 02, were derelict in the performance of your duties; in that you willfully failed to go at the time prescribed to your appointed place of duty. For this misconduct you received an LOR, dated 24 Sep 02. This information was placed in your ^{UIF} UIF.

3. This action could result in your separation with an under honorable conditions (general) discharge. I am recommending that you receive an under honorable conditions (general) discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. 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 subjected to recoupment.


4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements on your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 25 Oct 02 at 1500. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

6. Confer with your counsel and reply, in writing, within seven workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements on your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.
7. You have been scheduled for a medical examination. You must report to Physical Exams at 0730 hours, on 28 Oct 02 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 in your Command Support Staff office.
9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
10. Execute the attached acknowledgment and return it to me immediately.


Maj, USAF
Commander, 90th Logistics Readiness Squadron

Attachments:

1. RIC, dated 19 Feb 02
2. RIC, dated 7 Mar 02
3. LOR, dated 8 Mar 02
4. Article 15, dated 6 Aug 02
5. LOR, dated 18 Aug 02
6. LOR, dated 30 Sep 02
7. LOR, dated 24 Sep 02
8. Other derogatory data not listed in the Notification Memorandum: Unfavorable Information File Summary