






AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AB	AFSN/SSAN 
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:10%;">COUNSEL</th> <th style="width:90%;">NAME OF COUNSEL AND OR ORGANIZATION</th> </tr> <tr> <td style="width:10%; padding: 5px;">YES</td> <td style="width:90%; padding: 5px;">No</td> </tr> <tr> <td style="width:10%; padding: 5px;"></td> <td style="width:90%; padding: 5px;">X</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	No		X	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION								
YES	No								
	X								

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

ISSUES A93.09	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 20 Dec 2005	CASE NUMBER FD-2005-00235	
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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.

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT 
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INDORSEMENT		DATE: 12/20/2005
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-2005-00235

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and 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 does not contest his discharge. He states that he wants an upgrade in order to join the Air Force Reserves. The records indicated the applicant received three Article 15s for dishonorably failing to pay just debts and for impeding an investigation by physically altering a written statement of a bank representative. In addition, he received one Letter of Reprimand and three Letters of Counseling for 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.

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 AB) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr England AFB, LA on 12 Jun 91 UP AFR 39-10 para 5-47d, (Pattern of Misconduct - Dishonorable Failure to Pay Just Debts). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 12 Jun 68. Enlmt Age: 17 2/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-65, E-62, G-68, M-51. PAFSC: 70250 - Information Management Specialist. DAS: 7 Nov 89.

b. Prior Sv: (1) AFRes 03 Sep 85 - 26 Jun 86 (9 Mos 24 Das) (Inactive).

Enlisted as AB 27 Jun 86 for 4 years. Extended 4 Oct 88 for 5 months. Svd: 3 yrs 4 mos 4 das. Amn - 27 Dec 86. A1C - 27 Oct 87. SrA - 27 Jun 89. APRs: 8,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 2 Nov 89 for 4 years. Svd: 01 Yrs 07 Mo 12 Das, all AMS.

b. Grade Status: AB - 02 May 91 (Article 15, 2 May 91)
SrA - 17 Aug 90 (Vacation of NCO Status)
Sgt - 01 Jun 90

c. Time Lost: None.

d. Art 15's: (1) 2 May 91, England AFB, LA - Article 134. You, did, on or about 22 Apr 91, wrongfully impede an investigation, in your case, by physically altering the written statement of Patrick Henry National Bank Officer [REDACTED] Reduction to AB, 45 days extra duty. (No appeal) (No mitigation)

(2) 22 Apr 91, England AFB, LA - Article 134. You, being, indebted to England AFB Exchange in the sum of \$150.00 for an insufficient funds check, which amount became due and payable on or about 9 Apr 91 did at Alexandria, LA from 9 Apr 91 to 15 Apr 91, dishonorably fail to pay said debt. Suspended reduction to A1C. Forfeiture of \$300.00 pay per month for two months is suspended. Sixty days extra duty. Set Aside over 45 days extra duty. (No appeal) (No mitigation)

(3) 28 Aug 90, England AFB, LA - Article 134. You, being, indebted to Electrolux of Alexandria in the sum of \$50.00 for an insufficient funds check, which amount became due and payable on or about 13 Aug 90, did at Alexandria, LA from 13 Aug 90, to 21 Aug 90, dishonorably fail to pay said debt. Suspended reduction to A1C. Forfeiture of \$200.00 pay per month for two months is suspended. Forty-five days extra duty. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 15 APR 91 - Financial irresponsibility.
 LOC, 16 JUL 90 - Delinquent NCO Club account.
 LOC, 31 JUL 90 - Bad Check, Insufficient funds.
 LOC, 17 MAY 90 - Bad Check, Insufficient funds.

f. CM: None.

g. Record of SV: 27 Jun 89 - 31 Mar 90 England AFB 4 (HAF DIR)
 01 Apr 90 - 31 Mar 91 England AFB 2 (Annual)

h. Awards & Decs: AFAM, AFGCM, AFLSAR, NDSM, NCOPMER, SAEMR, AFTR.

i. Stmt of Sv: TMS: (05) Yrs (09) Mos (10) Das
 TAMS: (04) Yrs (11) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 16 Dec 04.

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

Issue 1: I request a change in status to join the Air Force Reserves. I can join Army Reserve but I would like to be in the Air Force Reserves and do what I should have done years ago and retire in Air Force Branch.

ATCH

None.

21Jul05/day



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 23D COMBAT SUPPORT GROUP (TAC)

ENGLAND AIR FORCE BASE LA 71311-5000

REPLY TO
ATTN OF: 23 CRS/CC

15 May 91

SUBJECT: Letter of Notification

TO: AB [REDACTED]

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct according to Air Force Regulation 39-10, Chapter 5, Section H, Paragraph 5-47d, which is Dishonorable Failure to Pay Just Debts. If my recommendation is approved, your service will be characterized as general.
2. My reasons for this action are as follows:
 - a. On or about 9 April 1991 to 15 April 1991, you dishonorably failed to pay a debt. For this, you received an Article 15, dated 16 April 1991.
 - b. On 10 March 1991, you wrote a check at the England Air Force Base Exchange, without having sufficient funds to cover that check. For this, you received a Letter of Reprimand and an Unfavorable Information File entry, dated 15 April 1991.
 - c. On or about 13 August 1990 to 21 August 1990, you dishonorably failed to pay a debt. For this, you received an Article 15, dated 22 August 1990.
 - d. On or about 17 August 1990, you exhibited behavior unbecoming of an NCO by your recurring financial irresponsibility. For this, your NCO status was vacated, dated 17 August 1990.
 - e. On 5 July 1990, your NCO club account was forty-five days delinquent. For this, you were counseled, dated 16 July 1990.
 - f. On 18 May 1990, you wrote a check at the England Air Force Base Exchange, without sufficient funds to cover that check. For this, you were counseled, dated 31 July 1990.
 - g. On 17 April 1990, you wrote a check at the England Air Force Base Exchange, without sufficient funds to cover that check. For this, you were counseled, dated 17 May 1990.
3. This action could result in your separation with an honorable, general, or an under other than honorable conditions discharge. If my recommendation is approved, your discharge will be characterized as general. 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.

Readiness is our Profession

4. You have the right to consult counsel. Military legal counsel has been appointed to assist you. I have made an appointment for you to consult with Captain [REDACTED] the Area Defense Counsel at 1100 on 16 May 91. His office is located in Building 1901, Room 205. You may consult 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 within three duty days of the date of this letter, unless you request and receive an extension of time. These statements will be forwarded to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf, your failure to do so will constitute a waiver of your right to do so and this discharge procedure will continue.

7. An appointment for a physical examination was scheduled for you at 0730 hours on 24 April 1991. A copy of the results is attached and will be forwarded to the separation authority.

8. Any personal information you furnish in rebuttal to this discharge action is covered by the Privacy Act Statement as explained in Air Force Regulation 39-10, attachment six. A copy of Air Force Regulation 39-10 is available for your use in the squadron orderly room.

9. Sign the attached acknowledgment and return it to me within three duty days.

[REDACTED]
Major, USAF
Commander, 23 CRS

7 Atchs

1. Art 15, dtd 16 Apr 91
2. LOR/UIF, dtd 15 Apr 91
3. Art 15, dtd 22 Aug 90
4. AF Form 418, dtd 17 Aug 90
5. 45 Day Notice Ltr, dtd 11 Jul 90
6. Dishonored Check Notification, dtd 22 Jun 90
7. Dishonored Check Notification, dtd 07 May 90