

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST FIRST MIDDLE INITIAL)		GRADE	
		AB	
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	UOHC	OTHER	DENY
					X+*
					X+*
					X+*
					X+*
					X+*

ISSUES	A94.05	INDEX NUMBER	A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				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
13 Feb 2006	FD-2005-00338

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.

+ Change RE Code  
 \* Change Reason and Authority

SIGNATURE OF BOARD MEMBER

<b>INDORSEMENT</b>		<b>DATE: 2/13/2006</b>
TO:	FROM:	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2005-00338**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and 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 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 iniquitable because it was too harsh. The records indicated the applicant received two Articles 15, one Vacation Action, two Letters of Reprimand, and one Record of Individual Counseling. The misconduct included financial irresponsibility on numerous occasions, failure to report for squadron detail, departed duty section without authority, failure to go and making a false and fraudulent Lodging claim against the United States in the amount of \$1300.00 and in the amount of \$330.00. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr K.I. Sawyer AFB, MI on 17 Jan 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 23 Dec 66. Enlmt Age: 21 6/12. Disch Age: 24 11/12. Educ: HS DIPL. AFQT: N/A. A-36, E-56, G-48, M-58. PAFSC: 55250 - Structural Specialist. DAS: 18 Apr 89.

b. Prior Sv: (1) AFRes 20 Jul 88 - 14 Nov 88 (3 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Nov 88 for 4 yrs. Svd: 02 Yrs 02 Mo 03 Das, all AMS.

b. Grade Status: AB - 21 Dec 90 (Article 15, 21 Dec 90)  
AMN - 24 Sep 90 (Vacation of Article 15, 14 Nov 90)  
A1C - 15 Mar 90  
AMN - 15 May 89

c. Time Lost: None.

d. Art 15's: (1) 21 Dec 90, K.I. Sawyer AFB, MI - Article 132. You, did, on or about 23 May 90, by preparing a voucher for presentment for approval or payment, make a claim against the United States in the amount of \$1,300.00 for lodging expenses, which claim was false and fraudulent in the amount of \$1,300.00 in that you neither incurred nor were entitled to such expenses and was then known by you to be false and fraudulent. In that you, did, on or about 4 Sep 90, by preparing a voucher and four FL-47 Lodging Certificates for presentment for approval or payment, make a claim against the United States in the amount of \$330.00 for lodging expenses, which claim was false and fraudulent in the amount of \$330.00 in that you neither incurred nor were entitled to such expenses and was then known by you to be false and fraudulent. Reduction to AB. (No appeal) (No mitigation)

(2) 14 Nov 90, Vacation, K.I. Sawyer AFB, MI - Article 86. In that you, did, on or about 7 Nov 90, without authority, fail to go at the time prescribed to your

appointed place of duty. Reduction to Airman.  
(No appeal) (No mitigation)

(3) 24 Sep 90, K.I. Sawyer AFB, MI - Article 86. In that you did, on or about 21 May 90, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman. Restriction to the limits of K.I. Sawyer AFB, MI, for 45 days, and 45 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 07 NOV 90 - Failure to go.  
LTR, 04 SEP 90 - Financial irresponsibility.  
LOR/UIF, 23 AUG 90 - Financial irresponsibility.  
RIC, 05 JUN 90 - Failure to report for Squadron detail and departed the duty section without authority.  
LTR, 27 MAR 90 - Financial irresponsibility.  
LTR, 22 FEB 90 - Financial irresponsibility.  
LTR, 19 JUN 89 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 15 Nov 88 - 14 Jul 90 K.I. Sawyer AFB 3 (Initial)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (05) Mos (28) Das  
TAMS: (02) Yrs (02) Mos (03) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Aug 05.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.
3. Police Criminal History Check.
4. Affidavit of Parentage.
5. Certificate of Live Birth.
6. Eight Letters of Support.
7. Fire Department Life Saving Award.
8. News Clipping.
9. Certificate of Recognition.

29SEP05/ia

All

FD 2005-00338

<b>APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES</b> <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>	Form Approved OMB No. 0704-0004 Expires Aug 31, 2006
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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 the Department of Defense, Executive Services and Communications Directorate (0704-0004). 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 ORGANIZATION. 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.**

<b>a. BRANCH OF SERVICE</b> <i>(X one)</i>	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
<b>b. NAME</b> <i>(Last, First, Middle Initial)</i>	<b>c. GRADE/RANK AT DISCHARGE</b>		<b>d. SOCIAL SECURITY NUMBER</b>		
	E1				

<b>2. DATE OF DISCHARGE OR SEPARATION</b> <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>	<b>4. DISCHARGE CHARACTERIZATION RECEIVED</b> <i>(X one)</i>	<b>5. BOARD ACTION REQUESTED</b> <i>(X one)</i>
17 January 1991	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>
<b>3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION</b>	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:
410th CES, KI Sawyer, AFB	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER <i>(Explain)</i>	

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

I am requesting an upgrade of my discharge and my RE code for re-enlistment purposes.

It has been almost 15 years since my discharge. I am looking for a second chance at making the Air Force my career.

**7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON** *(YYYYMMDD)* \_\_\_\_\_  
**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.)*

See 8. in Addendum

**9. TYPE OF REVIEW REQUESTED** *(X one)*

<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR <i>(counsel/representative)</i> WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO <i>(enter city and state)</i> <small><i>(NOTE: The Navy Discharge Review Board does not have a traveling panel.)</i></small>

<b>10.a. COUNSEL/REPRESENTATIVE</b> <i>(if any) NAME</i> <i>(Last, First, Middle Initial) AND ADDRESS</i> <i>(See Item 10 of the instructions about counsel/representative.)</i>	<b>b. TELEPHONE NUMBER</b> <i>(Include Area Code)</i>
	<b>c. E-MAIL</b>
	<b>d. FAX NUMBER</b> <i>(Include Area Code)</i>

**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)* and relationship by marking a box below.

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

<b>12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE</b> <i>(Forward notification of any change in address.)</i>	<b>b. TELEPHONE NUMBER</b> <i>(Include Area Code)</i>
	<b>c. E-MAIL</b>
	<b>d. FAX NUMBER</b> <i>(Include Area Code)</i>

**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.)*

<b>a. SIGNATURE REQUIRED</b> <i>(Applicant or person in Item 11 above)</i>	<b>b. DATE SIGNED - REQUIRED</b> <i>(YYYYMMDD)</i>	<b>CASE NUMBER</b> <i>(Do not write in this space.)</i>
	2005/08/17	FD 2005-00338

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

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

16. REMARKS (If applicable)

In 1990, my wife was experiencing pregnancy difficulties that KI Sawyer AFB Hospital could not handle. She was flown to Wright Patterson AFB Ohio. She spent about a month and a half at Wright Patterson until the birth of our 1st child. Originally, I was given 10 days leave by my commander. After 10 days I drove back to KI Sawyer.

When I reported to KI Sawyer, my 1sg informed me that I was needed back at Wright Patterson because of more complications in my spouse pregnancy. I was given an additional three days. When I returned to Wright Patterson, my spouses physician requested that I spend the rest of the pregnancy down with my spouse at Wright Patterson.

Master SGT [redacted] (unit 1sg at KI Sawyer) did not like the fact that I was going to remain at Wright Patterson until the end of my wife's pregnancy. After my wife delivered our baby, I returned back to KI Sawyer. After I returned, MSG Barnhart made sure that after any infraction that I was punished to the maximum extent.

I bounced a check at the base commissary and I lost a stripe. This was not deliberate and was due to an error in calculating our check book.

I received a speeding ticket for going 10 mph in a 5 mph zone and I was given a reprimand.

I was late to work because of a blizzard. My car was snowbound and unable to move. I ended up a half hour late for work and I lost a stripe. I was pulled from the squadron and given the choice of being discharged. I requested to be discharge. I believe that the character of discharge was to severe and also my re code was to severe.

**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



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 410TH BOMBARDMENT WING (SAC)  
K I SAWYER AIR FORCE BASE, MICHIGAN 49843-5000

FD 2005-00338

28 Dec 90

REPLY TO  
ATTN OF: 410 CES/CC

SUBJECT: Notification Letter

TO: AB , 410 CES

recommending your discharge from the United States Air Force for misconduct, to wit: minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 4 September 1990, you made a claim against the United States in the amount of \$330.00 for lodging expenses, which claim was false and fraudulent and was then known by you to be false and fraudulent, as evidenced by AF Form 3070 dated 21 December 1990 with attachments.

b. On or about 23 May 1990, you made a claim against the United States in the amount of \$1,300.00 for lodging expenses, which claim was false and fraudulent and was then known by you to be false and fraudulent, as evidenced by AF Form 3070 dated 21 December 1990 with attachments.

c. On or about 21 May 1990, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 531, as evidenced by AF Form 3070 dated 27 September 1990.

d. Your financial irresponsibility on or about 15 August 1990 when your wife wrote a check in the amount of \$15.00 at the Base Exchange which was returned due to insufficient funds, as evidenced by Dishonored Check Notification dated 4 September 1990.

e. Your financial irresponsibility during the past eight months, specifically, February and March 1990 when you failed to pay just debts and in June and August 1990 when you wrote checks which were returned due to insufficient funds, as evidenced by Letter of Reprimand dated 23 August 1990 with attachment.

f. On or about 9 July 1990, you wrote TSgt [redacted] a check in the amount of \$6.00 which he cashed on the 20th of July 1990. He received the check back uncashed due to insufficient funds. You were then notified by TSgt [redacted] about the returned check and you assured him that you would take care of the check on 15 August 1990. As of 20 August 1990, you still had not contacted TSgt [redacted] on that matter, as evidenced by a letter from TSgt Fischbach dated 20 August 1990 with attachments.

g. On or about 4 June 1990 you failed to show up for a squadron cleanup detail and on or about 5 June 1990 you left for the day before being released from your detail, as evidenced by Letter of Counseling dated 5 June 1990.

h. Your financial irresponsibility on or about 21 February 1990 when you wrote a check in the amount of \$100.00 to 1Lt Scott F. Kinsey which was returned due to insufficient funds, as evidenced by a letter from 1Lt Scott F. Kinsey dated 27 March 1990 with attachments.

i. Your financial irresponsibility on or about 22 February 1990 when we received notice from Shifrin Willens Jewelers that you were \$200.00 past due in payment to your open charge account with a current balance of \$567.43, as evidenced by a letter from Shifrin Millens Jewelers dated 22 February 1990 with attachment.

j. On or about 6 September 1989 you were issued an Armed Forces Traffic Ticket for speeding 31 mph in a 20 mph zone, as evidenced by DD Form 1408 dated 6 September 1989.

k. Your financial irresponsibility when you wrote, failed to take care of a check written at MWR Supply in the amount of \$16.50 which had been returned due to insufficient funds, as evidenced by Returned Check Letter dated 19 June 1989.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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.

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 Drew, the Area Defense Counsel, at building 708, room 323, on 2 January 1991 at 0900 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 4 January 1991 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 were scheduled for a medical examination. You were ordered to report to the 410th Strategic Hospital, physical examination section, at 0900 hrs on 1 October 1990.



7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the 410th CES Orderly Room.

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

Commander

LTC, USAF

3 Atchs

1. Supporting documents:
  - a. AF Fm 3070, 21 Dec 90 w/atchs
  - b. AF Fm 3070, 24 Sep 90 w/atchs
  - c. Dish Ck Notif, 4 Sep 90
  - d. LOR, 23 Aug 90 w/atch
  - e. Ltr, 20 Aug 90 w/atch
  - f. AF Fm 174, 5 Jun 90
  - g. Ltr, 27 Mar 90 w/atchs
  - h. Shifrin Willens Ltr 22 Feb 90
  - i. DD Fm 1408, 6 Sep 89
  - j. Ret'd Check Ltr, 19 Jun 89
2. Other Derogatory Information: None
3. Airman's Receipt of Ltr of Notif