

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE CAPT	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>	YES	No	X			
YES	No					
X						

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
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ISSUES A92.22 A92.02 A94.05 A92.04 A92.08	INDEX NUMBER A67.30	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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 HE
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HEARING DATE 28 Sep 2006	CASE NUMBER FD-2005-00380	
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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 in 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 REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

INDORSEMENT		DATE: 10/2/2006
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-2005-00380

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 upgrade of the discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's discharge was too harsh considering the circumstances surrounding his misconduct and the significant positive aspects of his military service.

ISSUE:

Applicant contends his discharge was inequitable because it was too harsh and that each instance of non-judicial punishment had very different mitigating circumstances surrounding the misuse. The applicant appealed for an upgrade of his discharge for the purpose of joining the Air National Guard to fly F-16's. The records indicated the applicant received two Article 15's for misconduct. The misconduct was for misuse of the Bank of America Government Travel Card (GTC). Specifically, the applicant received an Article 15 for misuse of his GTC in October 2002. He received another Article 15 in April 2004 for failing to prevent his wife from using his GTC. The Board noted the applicant's outstanding performance reports, decorations and accomplishments while in the Air Force. The Board also noted the applicant's distinguished service record that includes combat operations in support of Operations SOUTHERN WATCH and ENDURING FREEDOM. When considering the totality of the applicant's service, to include the special circumstances surrounding his misconduct, the Board believed that the applicant's military service is best characterized as Honorable.

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 and the reason for the discharge is more accurately described as Secretarial authority. The applicant should be given the opportunity to re-enter military service 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

(Former CAPT) (HGH CAPT)

MISSING MILITARY PERSONNEL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McGuire AFB, NJ on 31 Mar 05 UP AFI 36-3206, Chapter 3, para 3.6.4 (Serious or Recurring Misconduct). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 13 Jan 74. Enlmt Age: 22 4/12. Disch Age: 31 2/12. Educ: HS DIPL. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 11F3U - Fighter Pilot. DAS: 23 Feb 02.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Appointed to 2Lt & Ordered to EAD on 29 May 96. Svd: 08 Yrs 10 Mo 02 Das, all AMS.

b. Grade Status: Capt - 29 May 00
1Lt - 29 May 98

c. Time Lost: None.

d. Art 15's: (1) 20 Apr 04, McGuire AFB, NJ - Article 92. You, who knew of your duties at or near Fort Drum, NY, between on or about 7 Oct 03 and on or about 4 Jan 04, were derelict in the performance of those duties in that you negligently failed to prevent unauthorized use of your government travel card by your spouse, as it was your duty to do. Suspended forfeiture of \$2,110.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

(2) 18 Oct 02, McGuire AFB, NJ - Article 92. You, who knew of your duties, at or near Watertown, NY, on divers occasions between on or about 4 Jul 02 and on or about 12 Jul 02, were derelict in the performance of those duties in that you willfully failed to use your Bank of America Government Visa card for official U.S. Government use only, as it was your duty to do. Suspended forfeiture of \$1,000.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 29 May 96 - 28 Jan 97 USAF Academy YE (CRO)
 10 Feb 99 - 09 Feb 00 Misawa AB YE (Annual)
 10 Feb 00 - 09 Feb 01 Misawa AB YE (Annual)
 10 Feb 01 - 09 Feb 02 Misawa AB YE (Annual)
 10 Feb 02 - 09 Feb 03 Ft Drum AIN YE (Annual)
 10 Feb 03 - 09 Feb 04 Ft Drum AIN YE (Annual)

h. Awards & Decs: AFAM W/1 OLC, AAM, AM, AFCM, BS, ACM, AFTR, AFLSA W/2 OLC, CRM, NDSM, AFEM, SAEMR W/1 OLC, AFOSLTR W/1 OLC, AFOUA W/VALOR W/2OLC, AFESR W/GB, GWOTSM, GWOTEM.

i. Stmt of Sv: TMS: (08) Yrs (10) Mos (02) Das
 TAMS: (08) Yrs (10) Mos (02) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Sep 05.

(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Applicant Narrative.
4. AF Form 3070 (Article 15, 18 Oct 02).
5. AF Form 3070 (Article 15, 20 Apr 04).
6. Brief On First Issue of Propriety.
7. Brief On Second Issue of Equity.
8. Service History.
9. Awards and Decorations.
10. Letters of Commendation.
11. Combat Service.
12. Level of Responsibility.
13. Other Acts of Merit.
14. Personal and Family Problems Surrounding Circumstances of Non-judicial Punishment.
15. Character References.

22NOV05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE 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 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.

a. BRANCH OF SERVICE <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. NAME <i>(Last, First, Middle Initial)</i>	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	O-3/Captain				

2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>	4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>		5. BOARD ACTION REQUESTED <i>(X one)</i>	
	<input type="checkbox"/> HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE	
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS	
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS		CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>	
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 20th ASOS, Fort Drum, New York	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>		CHANGE NARRATIVE REASON FOR SEPARATION TO:	
	<input type="checkbox"/> UNCHARACTERIZED		Delete "Misconduct"	
	<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.)*

1) Upgrade discharge due to one issue of propriety. a) Failure for leadership to send applicant to financial counseling after misuse of Government Travel Card. 2) Upgrade due to two issues of equity. a) Applicant discharge was inconsistent with standards of discipline based on similar conduct. b) Relief is warranted based upon consideration of the applicant's service record and other evidence submitted to the DRB in this package. Specifically, relief is warranted based on the following subject areas: (cont Item 14)

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.)*

Attachments 1) Applicant DD Form 214 2) Applicant narrative describing background of events surrounding non-judicial punishments 3) AF Form 3070 (Article 15) 18 Oct 02 4) AF Form 3070 (Article 15) 20 Apr 04 5) Brief on first issue of propriety - failure for leadership to send applicant to financial counseling 6) Brief on first issue of equity - applicant discharge was inconsistent with standards of discipline based on similar conduct 7) Brief on second issue of equity - relief is warranted based upon

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

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE <i>(Forward notification of any change in address.)</i>	b. TELEPHONE NUMBER <i>(Include Area Code)</i>
	c. E-MAIL
	d. FAX NUMBER <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. <i>(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.)</i>		CASE NUMBER <i>(Do not write in this space.)</i> FD 2005-00380
a. SIGNATURE - REQUIRED <i>(Applicant or person in Item 11 above)</i>	b. DATE SIGNED - REQUIRED <i>(YYYYMMDD)</i> 20050920	

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

1. Service History 2. Awards and Decorations 3. Letters of Commendation 4. Combat Service 5. Level of Responsibility at which the applicant served 6. Other acts of merit 7. Personal and Family Problems surrounding circumstances of Non-judicial punishment 8. Character reference letters.

The applicant was served with two Article 15's (one on 18 Oct 02 and one 20 Apr 04) for violation of UCMJ Article 92, Misuse of the Bank of America Government Travel Card. Each instance of non-judicial punishment had very different mitigating circumstances surrounding the misuse (first for a PCS/Housing issue; second for failure to safeguard the card which was used by a family member under severe distress). The applicant has a distinguished service record that includes combat during Operation Southern Watch and Operation Enduring Freedom. The discharge received is inequitable because it fails to properly characterize the applicant's distinguished service record and the mitigating circumstances surrounding each act of non-judicial punishment. The discharge is also inconsistent with punishment given to service members with similar or more greivous acts of Travel Card misuse. Finally, the discharge also fails to take into account one act of inpropriety (failure to send applicant to financial counseling).

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

applicant's service record and other evidence submitted to the DRB for review 8) Applicant Record Review RIP 9) Applicant Officer Performance Reports 10) Applicant Medals and Decorations 11) Applicant Certificates and Media Statements 12) Applicant Character Reference Letters

16. REMARKS (If applicable)

The attached documentation provided to accompany this DD Form 293 is intended to outline my distinguished service record in association with the mitigating circumstances surrounding his two counts of non-judicial punishment: On 19 Oct 2004, I was notified of Show Cause Action Initiated Under AFI 36-3206, Chapter 3, Paragraph 3.6.4 (Serious or Recurring Misconduct) that required me to show cause for retention on active duty. On 27 October 2004, I submitted a brief to the Show Cause Authority (Lt Gen :; 9AF/CC) to stem further Show Cause action. The SCA denied my request and recommended an administrative discharge board be established to hear further arguments. Based on the recommendation of my counsel and the prolonged period of these proceedings (over one year), I elected to submit a conditional waiver accepting no less than a general (under honorable conditions) disharge in lieu of further discharge proceedings. The waiver was accepted and approved by the SECAF on 18 Mar 05. I was officially seperated from the AF on 31 Mar 05 with a general discharge. During the administrative discharge process, my security clearance was suspended. Despite the non-judicial punishment actions, I received a favorable recommendation to lift the suspension, and a clearance investigation was conducted that re-instated my Top Secret/SCI on 15 Mar 05. These actions by the AF Central Adjudication Board, which included a thorough background check into my financial status and circumstances surrounding my Article 15's, proved that I could still be trusted by the Air Force to conduct my duties. I currently work at Syracuse Research Corporation where I provide contracted assistance to the Air Force National Air and Space Intelligence Center at Wright-Patterson AFB, OH. I also volunteer at the National Museum of the United States Air Force. As you can see, I still provide service to the United States Air Force in the capacity of a civilian. I have been approached with job offers to fly F-16s as a traditional guardsman with the Indiana and Ohio Air National Guard. However, I am not eligible to enlist in the ANG with a general discharge and an ineligible reentry code IAW ANGI 36-2002. My hope is that a favorable decision from the Discharge Review Board will upgrade my discharge to honorable, establish an appropriate reentry code, and change the discharge narrative and seperation code as approriate. I wholeheartedly desire to continue to serve my country which I hope you will allow me to do.

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

16 September 2005

MEMORANDUM FOR DISCHARGE REVIEW BOARD

FROM:

SUBJECT: Narrative to accompany DD Form 293, Application for the Review of Discharge From the Armed Forces of the United States

1. I am writing this narrative to give background information to the Discharge Review Board (DRB) convened to discuss my DD Form 293 which is applying for a discharge upgrade from General (Under Honorable Conditions) to Honorable. I am also requesting the DRB to delete "Misconduct" as my Narrative Reason for Separation and to establish a separation and reentry code on my DD Form 214 that will allow enlistment into the Air National Guard. Although I am currently a civilian, I still consider myself an Airman who is committed to the values of the United States Air Force. Although I have made a few mistakes in an otherwise brilliant Air Force career, I do not believe those mistakes, given the special circumstances in which those mistakes emerged, warrant a General (Under Honorable Conditions) discharge. The reasons that follow explain the special circumstances surrounding my misuse of the government travel card, identify corrective measures that I have taken to avoid further financial issues, and highlight my past service to my unit, the United States Air Force, and the United States of America. At the conclusion of this narrative, I hope that you can see with compassionate eyes what I have experienced over the last three years, and make a decision to upgrade my characterization of discharge to Honorable. I feel that decision is in the best interest of the United States Air Force and me.

2. In addressing the first Article 15, dated 18 October 2002, an exposition of the facts is necessary. These facts are not disputed. My family and I took a permanent change of station from Misawa AB, Japan to Fort Drum, NY on 23 February 2002. The search for housing was methodical and diligent but met with little success. Army housing was not adequate to our needs; therefore, we refused to accept government quarters and signed a lease with a local landlord for a 1 April 2002 move in date. During March of 2002, I attended the Joint Firepower Course at Nellis AFB and returned at the end of the month for a week of leave in Ohio to visit family. Prior to my leave expiring, I contacted my landlord about my rental home, and he informed me that though he had not moved out of the rental home, he would be out in a week. My family and I returned to Fort Drum and had to quarter in a hotel for what we thought was going to be a week. Towards the end of that week and after repeated calls to the landlord, I had to continue to live out of a hotel for another week. At this point, finances were getting thin. I requested a return of my security deposit from the landlord to begin the search for another rental home. With deceit, the landlord avoided my quest to get my security deposit back, eventually admitting that he had spent the deposit. We searched for any rental home that would do with no luck. By the end of April, the landlord made the initial home available. Unfortunately, all of our savings and checking funds had been depleted, and financially, we were a mess. I come from a low-income family as does my wife, and there were no family support lines for funds to meet our basic needs. Our bills continued to pile up, yet we kept cutting our expenses. By May 2002, we had conquered our financial problem and paid all of our debts. All was good until we discovered structural and

mold problems in the rental home, which focused our attention on potential health concerns. Our landlord refused to address these matters, so we attempted to cure these defects at our own expense by professional cleaning and carpet replacement. This came out of our budget and began to put us back in a hole. Now, we realized that this rental home decision was not going to improve. I utilized the services of the base legal office to undo this poor decision, breach the lease, and move out. The base legal office provided limited support, stating that this was a civil matter, and that they could not represent me. Faced with last-ditch effort costs to resolve the problem and legal fees to remedy the problem, we were spent financially. I regret what I did next. I utilized the government travel card to obtain food and gas to live during the first two weeks of July. It is important to note that these charges were paid in full by me within 6 weeks of use, and the use was only to purchase food and gas (not grievous items such as electronics, adult entertainment, etc.). My squadron travel card monitor brought the charges to the attention of my commander who in turn issued non-judicial punishment. I feel that it is also important to note the personal and family problems surrounding the misuse. Through legal counsel, we invoked the habitability clause under New York Law and left the rental home in July. We had found another home in the area. The landlord attempted to sue us for breach of lease, but those charges were successfully fended off at expense by counsel. While the new home provided shelter and our basic needs through December 2002, the neighborhood was not safe. Our home had been broken into more than once. When I deployed to Afghanistan in January 2003, I did not want my family to remain in that neighborhood. We invoked the military clause of the lease, and my family moved to Oklahoma during my deployment. This unbelievable chain of events placed great pressure on my financial resources.

3. In addressing the second Article 15, dated 20 April 2004, I want to clarify the facts for the record and the genesis of the action. Again, these facts are not disputed. During a second deployment to Afghanistan, Lt Col [REDACTED] (my squadron commander, 20th ASOS/CC) notified me that complications arose from my wife's colon surgery. I was allowed to return home near the end of my deployment when a replacement for my position was found. After the surgery, my wife was not mobile, and she needed me to help care for her and our two young children. My wife is a stay at home mom. She has done great raising our children. My wife also handled all of our finances, paying the bills and managing the books. In October 2003, my wife was notified that her sister was experiencing financial difficulties. Understanding that I was going to be awarded money from my deployment travel voucher, she gave her sister money from our checking account, and used the Government Travel Card from our lock box to compensate for those missing funds. When the GTC bill arrived at the end of the month, she paid the balance from the money awarded by my travel voucher. Her unauthorized use was done without my knowledge and without my approval. No amount of forethought could have prepared me for that circumstance. Throughout December 2003 and January 2004, my wife and I attended specialty medical visits in Rochester, NY. These visits were funded with government orders. Additionally, I attended a flight physical TDY at McGuire AFB on 24-25 November 2003. During this time, I had possession of my GTC and used it within the authorization set forth in my orders. On 7 December 2003, my wife and I were informed that my mother-in-law's house had burned to the ground, destroying everything. Again, my wife secreted the GTC out of the lock box and used it to compensate for money that she provided to her mom. If I had known that she was using the GTC, I would have stopped it immediately. My wife intended to pay off the GTC when she was reimbursed by her mother's insurance settlement in December

2003. When that settlement failed to come in December, my wife could not pay the GTC bill, and it went overdue. In January 2004, my wife and I proceeded to another government funded medical visit in Rochester, NY. Upon return, Lt Col: [redacted]; confronted me about inappropriate use of the GTC. I told him that the only outstanding balance would be from medical visits in December and January, which I had not yet been reimbursed for. Then he showed me the transaction print out. I was blown away, and I had no explanation. I was told to go home to get the GTC and surrender it to my commander. When I got home, I told my wife what had happened, and she broke down. She told me what she had done, and I was livid. She explained that she knew that it was wrong, but she felt desperate to help her sister and mom. She told me that she felt pressured into helping them. My wife was unable to get a credit card, and she knew that I would not approve of sending the amount of money she wanted to send to them, so she acted without me. She failed to realize the seriousness of these consequences and had placed my career in jeopardy.

4. I am disappointed with what my wife did. It had caused some major trust issues in our home, and we worked through marriage counseling to overcome those difficulties. I did not then, nor now, want to throw away my marriage and disrupt the lives of my children over what she did. I do not believe that my wife is an evil person. She acted irrationally and on emotion and with pressure to help those in need. She went about this the wrong way. It stems from her generous heart. She is always volunteering as a babysitter and cooks dinner for those sick and distressed. While we were in the Air Force, she was famous for the home cooked meals she would serve to single Airman. I have never met anyone like this. My wife was abused when she was younger. Her sister and mother were the only ones that came to her aid. She depended on them for survival several years ago, and when they called on her for help, she felt that she could not turn her back on them. She regrets what she did. She now understands the seriousness of what she did. She understands that her inappropriate actions were responsible for the second Article 15 that was the catalyst for administrative discharge. I'm asking you to take into consideration the mitigating circumstances surrounding the second Article 15 to provide equitable relief in my characterization of discharge. I did not know that she was using the GTC. The GTC was stored in a lock box to avoid recurrence of misuse. I had taken those measures to ensure that there were no problems with the GTC. I am pained by what happened, but I do not believe that I acted in appropriately.
5. Throughout my life, I have been challenged financially. From growing up poor to where I am today, I have worked hard to beat the odds. I have a solid education and have developed my technical abilities to be a valuable asset to the United States Air Force, my current employer, and to my family. While I earned a respectable salary in the Air Force, I had not amassed stocks, mutual funds, or property as other officers. At the current time, I have embarked on each of those financial areas. During the 2002-2004 time frame, I was repeatedly hit with some unforeseen financial burdens (legal fees/medical bills/family problems), and my wife compounded the issue. I was placed in a "catch-up" financial situation for some time, but now I am ahead in the game. I do not see this as a future issue. I have never discredited myself or the United States Air Force with severe financial mismanagement. I have a decent credit score, never filed for bankruptcy, never had accounts placed into collection, or have had my wages garnished or offset. In both cases of GTC misuse, I paid the balances immediately. I accepted the charge of protecting the GTC from unauthorized use. I believe in accountability. I do not dispute the first Article 15. I made a regrettable decision based on mitigating circumstances. However, I do not believe that I

acted unreasonably with regards to the second Article 15. My wife used the card without my knowledge. She knew how I felt about the GTC after the first Article 15. She hid the use from me and created this situation. She hates herself for what she did. I was angry with her for a long time. I am passed that hate, and we have worked through our issues. I loved my honorable service with the United States Air Force. I'm hoping that you will consider characterizing my discharge as reflecting that honorable service so that I may possibly return to serve with the Air National Guard.

6. The final action in this series of events was my discharge from the United States Air Force. I was notified on 19 Oct 2004 of Show Cause Action initiated under AFI 36-3206, Chapter 3, Paragraph 3.6.4, Serious or Recurring Misconduct, that required me to show cause for retention on active duty. I drafted an appeal to the Show Cause Authority (SCA), Lt Gen [REDACTED], 9AF/CC to have him consider the facts in this case and to stop further show cause proceedings. My appeal with denied and was forwarded to be heard at a Board of Inquiry (BOI). The BOI was scheduled to be held the first week of March 2005. Due to the prolonged proceedings of this process, the emotional distress that my family and I endured, and the recommendation of my counsel, I submitted a conditional waiver accepting no less than a General (Under Honorable Conditions) Discharge in lieu of further discharge proceedings. The waiver was approved by the SCA and the BOI did not convene. The discharge waiver was approved by the Secretary of the Air Force on 19 Mar 05 and I was officially discharged from the Air Force on 31 Mar 05.
7. I feel that I have been punished. Consider what this has cost me. I have endured the embarrassment and emotional distress that my wife has put me through, I have lost my love of flying F-16's, and I have lost my love of serving the United States Air Force. I firmly believe that I have been held accountable for my actions and the actions of my wife. Further punishment by maintaining my categorization of service at General (Under Honorable Conditions) is not justified.
8. I want to provide you with a knowledge base of who I am. At the tender age of 6, I made a conscious decision to pursue an aviation career. I excelled in all areas of study that would further that pursuit. My family encouraged me and provided the cornerstones to make that pursuit a reality. They taught me the value of hard work. At the age of 15, I worked at an airport washing aircraft so I could pay for flight lessons. At the age of 17, I received my pilot's license. Further, my involvement in athletics, student government, Civil Air Patrol, community service, and excellent academic achievement aided my efforts to be appointed to the United States Air Force Academy. At the Academy, I chose the tough academic endeavor to obtain my degree in Aeronautical Engineering. Even while completing that daunting struggle, I was able to achieve the distinction of 2nd Group 4th Classman of the semester, Cadet First Sergeant, Cadet Operations Officer, and I was elected among my peers to uphold the integrity of the cadet honor code as Cadet Honor NCO and Cadet Honor Officer. Additionally, I was in a group of 6 cadets chosen from a pool of 70 candidates to fill a position on the Cadet Competition Flying Team. I was awarded Distinguished Graduate honors from the T-3A Enhanced Flight Screening Program. As a result of all these accomplishments at the academy, I was selected to go to pilot training and further awarded a position at Sheppard AFB to attend Euro-NATO Joint Jet Pilot Training.

9. My achievement of excellence did not stop at ENJJPT. During my training, I achieved high academic and flying scores. I was awarded an "Outstanding" rating during my T-37 Advanced Contact phase. After pilot training, I was chosen to fly the F-16 and, in route to that training, I was awarded Air-to-Air Top Gun honors during my Introduction to Fight Fundamentals flight course. During F-16 training at Luke AFB, I excelled once more in my academic and flight ability and obtained Top Gun honors for High Altitude Dive Bomb deliveries and 2nd place in the nuclear radar bombing competition (called "Duke of Nuke"). After F-16 training, my assignment at Misawa AB, Japan proved my excellence further. As a young lieutenant, I turned around an ailing snack bar system and provided an accurate paperwork and regulation filing system for the Standardization and Evaluation program that resulted in an "Excellent" rating during the 35th FW's Stan/Eval inspection. As an assistant weapons and tactics officer, I implemented a new wing wide Top Gun scoring program that tracked Air-to-Air, SEAD, and Air-to-Ground weapons delivery and performance. I deployed in support of Operation Southern Watch, flying 14 combat sorties. Additionally, I participated in high-vis deployments that included Cope North, Cope Thunder, two Commando Sling's, and a Red Flag exercise. My maturity, leadership, and flying ability was recognized early, and as a young lieutenant, I was selected well ahead of my peers to participate in the flight lead upgrade program. Aside from my flying, I was also selected to be the project officer for the 2001 Thunderbird PACAF tour visit at Misawa (which was later cancelled due to actions on September 11th). I volunteered at the local town of Schinohoe, Japan teaching English to students of all ages and continued my volunteer work escorting local Japanese children on base for Halloween festivities.
10. After Misawa, I was assigned at Fort Drum, NY with the 10th Mountain Division as an Air Liaison Officer. Pilots usually frown upon an ALO assignment, but I had a positive outlook and was excited about the leadership opportunities it would provide. During my initial training at the Joint Firepower Course at Nellis AFB, NV, I received Distinguished Graduate honors and a 100% academic average. Upon my arrival at Fort Drum, I was placed in a position to fix a Tactical Air Control Party system that was quoted as "unsupportive" by the U.S. Army after Operation Anaconda in Afghanistan. I attended every Army meeting, officer professional development, and exercise to seamlessly integrate Air Force participation into the Army's scheme of maneuver. I undertook the daunting task of creating a Combined Live Fire Exercise (CALFEX) that combined every aspect of ground maneuver, artillery, attack aviation, and close air support. This CALFEX involved my solicitation of several Air National Guard flying units and the participation of crew chiefs, pilots, weapon loaders, weapon builders, and services personnel. Not only did I organize this event, but I also obtained the man-day authorization to fund the Air National Guard units and fulfilled the role of liaison and tactics expert to ensure that the exercise was sound and safe. This event single handedly reestablished Army confidence in the Air Force and was lauded by the highest levels of the Army. This trust and knowledge was key in my success during the Joint Readiness Training Center exercise with the 10th Mountain Division at Fort Polk, LA during December 2002. There, my TACP unit received excellent ratings and "best seen to date" comments on our reports. I was given the 3-6 Field Artillery Battalion Award of Excellence. During the deployment to JRTC, I was selected to deploy with the 482nd Air Support Operations Squadron at Bagram, Afghanistan in support of Operation Enduring Freedom. After only two weeks to prepare, I left for Operation Enduring Freedom to perform duties as the Fighter Duty Officer supporting the 82nd Airborne Division, CJSOTF, Task Force 5, and a multitude of coalition task forces under CJTF 180. I prepared and distributed hundreds of

immediate and preplanned CAS requests, working directly with the CAOC to ensure immediate and accurate placement of combat aircraft during life and death situations. I was instrumental in the security of a SOF helicopter crash site by placing CAS aircraft over the scene immediately after the incident and provided real time intelligence through radio relay until ground troops could secure the scene. My efforts at Bagram received high praise, and I was personally awarded the Bronze Star for my actions.

11. After my January to May 2003 deployment, I immediately refitted to deploy once again to Kandahar, Afghanistan with the 10th Mountain Division as the 1st Brigade Air Liaison Officer. I left in August 2003 and was the detachment commander for the 20th Expeditionary Air Support Operations Squadron. Not only did I perform ALO duties, but was also responsible for personnel requests, deployment and redeployment of equipment, administrative duties, and maintaining the morale and the good order and discipline of my TACP personnel. It was by far the most challenging and rewarding point of my career, and I obtained excellent results. My troops were resoundingly successful during their combat efforts; receiving multiple Bronze and Silver Stars with Valor. In addition, I created and implemented the first ever OEF Joint Air Attack Team standardization program that ensured all theater elements of CAS, attack aviation, and ground maneuver maintained communication and combat effectiveness. I participated in several air assault operations and performed terminal air attack controller duties during a dangerous blocking mission with the Romanian Army. Although personal circumstances at home, mentioned previously, kept me from staying in Afghanistan past October 2003, I was still recognized for my accomplishments and was awarded the Army Commendation Medal. Additionally, I was recognized by the 451st AEG and 455th AEW as the Company Grade Officer of the Month. Upon my return to Fort Drum, I volunteered to speak at Civil Air Patrol functions and was asked on multiple occasions to speak to students of my hometown. While at Fort Drum, I worked diligently to rewrite 20th ASOS Stan/Eval regulations, procedures, and check ride profiles to meet with new training requirements and lessons learned from our combat deployments. The effort put into these tasks resulted in an "Excellent" rating during the 20th ASOS 2004 Standardizations and Evaluation Inspection. Although the previous sections were lengthy, it can be said that only a small percentage of the company grade officers in the Air Force have had such leadership and combat exposure, in addition to achieving the excellent results that I have outlined.

12. Although the pressure and stress during the last three years has been intense, I continue to strive for excellence. During the period that I was under administrative discharge review, I completed Squadron Officer School by correspondence, and started working on my Master's Degree in Aeronautical Engineering at Syracuse University. I am continuing my Master's studies at the University of Dayton. I had also enrolled my wife and me into several financial classes at the Watertown, NY adult education center to put corrective measures in place. It's important to note that I was never directed by my leadership to go to financial counseling during any of my non-judicial punishment proceedings. A year's worth of marriage counseling has strengthened my marriage and communication abilities with my wife. At my current job, I work as a contractor to the National Air and Space Intelligence Center as a subject matter expert on aircraft systems. In this capacity, I still continue to serve the Air Force as a civilian. I am also a member of the Society of Wild Weasels (SOWW) which is an organization comprised of former and current pilots and support personnel who flew Suppression of Enemy Air Defense missions. As a member of the SOWW I have

volunteered to coordinate the Wild Weasel 40th Anniversary Reunion and Exhibit Dedication at the National Museum of the United States Air Force on September 23-25, 2005. In addition, I have volunteered my time to the senior curators and exhibit historians at the National Museum of the United States Air Force to aid in the creation of the Wild Weasel exhibit and an exhibit dedicated to Tactical Air Control Parties. I feel that it is interesting to note that during review of my administrative discharge, my security clearance was suspended in accordance with protocol. After my conditional waiver for discharge was approved, I received a favorable recommendation after a thorough SSBI background investigation (which included an investigation into my non-judicial punishments and financial status) and was awarded a Top Secret/SCI clearance by the Air Force Central Adjudication Service on 15 Mar 05 (only 2 weeks prior to my final discharge date). This act by AFCAS shows that despite my errors, I can still be trusted by the U.S. Air Force to carry a large burden of responsibility. I hope that you, as the DRB, can find that I too am worthy of the leadership and responsibility that is associated with an Honorable characterization of service.

13. In my SOS studies, I have had the opportunity to study leadership of the Air Force's best. I know that former Air Force General [redacted] was regarded as a tough disciplinarian. Many examples fill SOS courseware about his style. Of note, is how he handled an officer who exercised poor judgment while under combat fatigue. General [redacted] identified the root cause of that officer's poor judgment (the combat fatigue), and instead of removing that officer from the aircraft or from the service, he treated the stress by diverting his attention to another task until that situation had been corrected. What happened to me has a root cause, and that root cause has been identified and corrected. While I believe that I made several errors in judgment, I also believe that my commanders could have handled the situation in a much different way. General [redacted] once stated that "incompetent" officers should be removed from service with "no regard to their family". In my case, I believe that I have shown that I am more than competent and that my family's circumstances were grossly disregarded during the processing of my administrative discharge. I have already mentioned that I believe in accountability. I have been held accountable for my actions. I certainly believe that my actions were not unreasonable or grievous. They certainly don't justify a General (Under Honorable Conditions) characterization based upon my service history, awards and decorations, combat service, and the personal and family mitigating circumstances surrounding my erroneous acts. I certainly hope that you feel the same and vote to upgrade my characterization of service to Honorable so that I may have the opportunity to cherish once again the privilege of wearing the uniform and serving with the Air National Guard.

14. I sincerely appreciate your time and consideration in reviewing this matter.

[redacted]

Program Manager/Aerospace Engineer
Syracuse Research Corporation, Dayton, OH

16 September 2005

MEMORANDUM FOR DISCHARGE REVIEW BOARD

FROM:

SUBJECT: Brief on basis to change characterization of service for from General (Under Honorable Conditions) to Honorable based on issue of equity – applicant discharge inconsistent with standards of discipline based on similar conduct

1. The purpose of this brief is to establish a building block approach that outlines reasons appropriate to change my characterization of service from General (Under Honorable Conditions) to Honorable. The second block in this process is an issue of equity. Specifically, the issue of equity in question is that I was dealt disciplinary actions inconsistent with standards of discipline based on similar conduct. In each case of non-judicial punishment, which was a catalyst for administrative discharge, mitigating circumstances were not considered. This brief will argue that a different course of action could have been taken to ensure that I was held accountable for my actions of inappropriate use of the Government Travel Card (GTC) that would not have resulted in administrative discharge. At a minimum, my discharge should have been characterized as honorable. Also, I will cite examples from the Government Account Office report GAO-03-147 dated December 2002 that show that service members guilty of heinous and grievous misuse of the GTC were disciplined less severely than me.
2. The catalysts for show cause action initiated under AFI 36-3206, Chapter 3, Paragraph 3.6.4 (Serious or Recurring Misconduct) were two Article 15's dated 18 Oct 02 and 20 Apr 04 dealing with GTC misuse. Although each act of non-judicial punishment was focused on misuse of the GTC, the circumstances surrounding each act were starkly contrasted. In the first act of misuse, the GTC was used for food and gas purchases during a financial crisis caused by severe living conditions compounded by landlord actions (details of this are outlined in the Attachment 2 narrative). This action was not grievous or heinous. The misuse was based on an act of survival. The card was paid off by me, and was not placed in salary offset. I had never received previous Article 15's, UIF items, or other types of documented misconduct prior to this event. Also, I had never shown any type of financial misconduct prior to this event. I feel that my commander used little discretion when considering the mitigating circumstances surrounding this misuse. Although my acts were in violation of Article 92 of the UCMJ, I believe that my commander's (Lt Col) decision to issue Article 15 non-judicial punishment was capricious and not consistent with standards of discipline of the military. Commanders have a responsibility to weigh all issues before issuing judgment, and I feel that not all issues were considered in this case. I feel that a letter of reprimand or counseling would have been more appropriate in this case.
3. The second act of non-judicial punishment was based on my failure to prevent unauthorized use of the GTC by my spouse. Again, this is in violation of the Article 92 of the UCMJ, but, based on the circumstances outlined in Attachment 2, I had no reasonable way of knowing that the card was being misused by my spouse. The contrast in the two occurrences is that I did not misuse the card the second time. Additionally, the card was not being used for grievous or heinous purchases. It was used as a result of acts of generosity and kindness.

This obviously does not excuse accountability. Neither the first act nor the second act of misuse was serious. Show cause action was initiated for recurring misuse based on two Article 15's. I wholeheartedly believe that mitigating circumstances were not considered when SCA action was initiated. If compassionate restraint had been shown in either the first or second Article 15, SCA action most likely would not have been initiated.

4. In a United States General Accounting Office Report GAO-03-147 to congressional requesters dated December 2002, examples of travel card misuse and their associated punishments are cited. The types of misuse are clearly heinous. Examples include legalized brothels, jewelry, gentlemen's clubs, gambling, cruises, and sports/theatre/concert tickets. Of 20 cases cited for government travel card misuse, 12 were not given any type of documented disciplinary action. On page 25 of the report, example 1, an E-5 who had written a total of \$61,004 in NSF checks, \$20,535 placed in salary offset, multiple bankruptcies and charge offs prior to card issuance was only given administrative counseling and a warning. On page 32 of the report, an O-5 charged \$5,678 on his card. This included \$700 worth of candles and cookware and over \$1,400 charged to adult entertainment clubs. He also had numerous charge offs, delinquencies, and bankruptcy prior to card issuance. He received no disciplinary action. An O-6 made \$2,000 in cash withdrawals and nearly \$1,500 of purchases at grocery and drug stores. No disciplinary action was taken. An E-7 that made \$15,000 in withdrawals and \$7,000 in charges at adult entertainment facilities was given no type of disciplinary action despite having filed bankruptcy, account charge offs, and serious credit card delinquencies. The last case I will cite is an E-5 who charged \$1,381 and wrote \$10,908 in NSF checks was given a discharge related to his abuse of the GTC characterized as honorable. It is not unreasonable to assume that there are hundreds of other cases throughout the military where this trend applies.

5. Paragraph 4 of this brief does not imply that members should not be held accountable for their misuse. In fact, a recommendation in the GAO study is that more people should be held accountable for GTC misuse. It also states that additional security clearance investigations should take place when GTC misuse is identified. I was both held accountable and placed under a scrutinized security clearance investigation. The result of the security clearance investigation was favorable and I was awarded a TS/SCI clearance after a SSBI took into account my non-judicial punishment. I was also held accountable for my actions. I deeply regret my actions. I apologize not only to the U.S. Air Force and to my family, but the countless number of people who relied on my skills as a pilot and leader. However, based upon the mitigating circumstances surrounding my non-judicial punishment and the standards of discipline used on GTC misuse cases more severe than mine, a good case can be made that my commander's disciplinary actions were capricious. At a minimum, my characterization of service, based upon my service history and circumstances surrounding my GTC misuse, deserves to be honorable. I sincerely hope that you agree with these arguments and vote to upgrade my discharge characterization from General (Under Honorable Conditions) to Honorable.



Program Manager/Aerospace Engineer
Syracuse Research Corporation, Dayton, OH



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS NINTH AIR FORCE (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

19 OCT 2004

MEMORANDUM FOR CAPTAIN [REDACTED] 20 ASOS

FROM: 9 AF/CC

SUBJECT: Notification of Show Cause Action Initiated Under AFI 36-3206, Chapter 3,
Paragraph 3.6.4

1. I am initiating action against you under AFI 36-3206, Chapter 3, paragraph 3.6.4, Serious or Recurring Misconduct, that requires you to show cause for retention on active duty.
2. I am taking this action because:
 - a. Between on or about 4 Jul 02 and on or about 12 Jul 02, on divers occasions, you were derelict in the performance of your duties in that you willfully failed to use your Bank of America Government Visa card for official U.S. Government use only.
 - b. Between on or about 7 Oct 03 and on or about 4 Jan 04 you were derelict in the performance of your duties in that you negligently failed to prevent unauthorized use of your Bank of America Government Visa card by your spouse.
3. The least favorable character of discharge that the Secretary of the Air Force may approve in this case is a discharge under other than honorable conditions. Attached are copies of documentary evidence supporting this action.
4. Sign and date the attached indorsement acknowledging receipt of this notification memorandum. A copy of the notification memorandum will be provided to you. If you decline to acknowledge receiving this notification memorandum, the officer presenting it to you will indicate on it, the date and time that you declined to acknowledge receiving it and it will be included as a part of your case file.
5. Familiarize yourself with AFI 36-3206, particularly the rights that you have. If you do not apply for retirement or request a resignation in lieu of further administrative action, a board (AFPB or BOI) will convene as provided in Chapter 6 or Chapter 7. Contact Captain [REDACTED] Area Defense Counsel, Dover AFB, at DSN 445-6995, to discuss the procedures involved and your rights and options. If you decline counsel, contact Captain Erica Gregory, Commander of Military Personnel Flight, McGuire AFB, at DSN 650-3072 for counseling about your rights and options.
6. If you elect to present matters to a BOI, the standard of proof used by the board to make findings is a preponderance of evidence. You may present evidence and argument to rebut the reasons set forth in this notification memorandum or any additional reason or information developed during the BOI proceedings. You also may present other pertinent evidence.
7. Within 10 calendar days after you receive this notification memorandum, you must respond by indorsement to me. If I do not receive the indorsement within the allotted time, I will proceed

with further action under AFI 36-3206. Include in your indorsement:

a. Any statement you wish to submit on your own behalf and/or any additional evidence that you wish me to consider. If you are unable to submit your statements or documentary evidence within 10 calendar days after receiving this notification memorandum, you may request more time as allowed under AFI 36-3206. Submit your request for additional time to me. If you do not submit statements or evidence, your failure will constitute a waiver of your right to do so and I will refer your case to the BOI.

b. A statement that Captain: _____; Area Defense Counsel, Dover AFB, at DSN 445-6995 counseled you and that you fully understand your rights and options in this action. If you declined counsel, so state and indicate that Captain: _____; Commander of Military Personnel Flight, McGuire AFB, at DSN 650-3072, counseled you and that you fully understand your rights and options in this action.

c. A statement that you understand the following regarding recoupment of education assistance, special pay, or bonuses received if you haven't completed the period of active duty you agreed to serve:

(1) Recoupment of a portion of education assistance, special pay, or bonus monies received if you voluntarily separate.

(2) Recoupment of a portion of education assistance received if involuntary discharge is for misconduct.

(3) Recoupment of a portion of special pay or bonus monies received regardless of the basis for involuntary discharge.

(4) The recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to you as the unserved portion of active duty bears to the total period of active duty that you agreed to serve.

(5) If you dispute that you are indebted for educational assistance, the board of inquiry, or, if you do not choose or are not entitled to a board of inquiry, an authority appointed by the MAJCOM/CC, will make findings and recommendations concerning the validity of your indebtedness.

d. A statement notifying me whether you intend to apply for retirement or tender your resignation. If you have applied for retirement or tendered your resignation, attach a copy of the retirement application or the resignation.

e. A statement that the area defense counsel or the chief, Military Personnel Flight explained separation pay to you and that you understand the eligibility criteria to receive separation pay.

f. Any other pertinent information.

8. In response to this notification memorandum, you may, within 10 calendar days, tender you

resignation under AFI 36-3207, Chapter 2, section B, with the understanding that, if the Secretary of the Air Force accepts your resignation, you may receive an under other than honorable conditions discharge unless the Secretary of the Air Force determines you should receive a discharge under honorable conditions (general) or an honorable discharge. If the Secretary of the Air Force accepts your resignation, your discharge date will be as soon as possible but no later than 10 calendar days after the date that the MPF receives separation instructions.

9. I have taken action required under AFI 31-501.

10. You may request excess leave if the Air Force doesn't require your further participation in processing your case.



Lieutenant General, USAF
Commander

Attachments:

1. 20 ASOS/CC Memo, w/5 Attachments
 - a. AF Form 3070, dtd 18 Oct 02, w/evidence
 - b. AF Form 3070, dtd 20 Apr 04, w/evidence
 - c. OPRs
 - d. Records Review RIP
 - e. Security Clearance Action
2. AFI 36-3206
3. AFI 36-3207

1st Ind, Capt:

MEMORANDUM FOR 9 AF/CC

I acknowledge receiving 9 AF/CC Memo, Notification of Show Cause Action Initiated Under AFI 36-3206, Chapter 3, paragraph 3.6.4, dated 21 OCT 04, with 5 attachments at 0915 hrs on 21 OCT 2004.

