

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW								
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ISSUES A00.47 A01.09 A93.11 A94.05	INDEX NUMBER A67.10	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</td> </tr> </tbody> </table>	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 HE
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HEARING DATE 15 Nov 2006	CASE NUMBER FD-2005-00386	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in Washington, D.C.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) on 15 November 2006 via video teleconference between Andrews AFB, Maryland and Travis AFB, California but failed to appear at the time and date requested or notify the board of his intent.

Advise applicant of the decision of the Board 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.

INDORSEMENT		DATE: 11/29/2006
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

FD-2005-00386

GENERAL: The applicant appeals for upgrade of discharge to general.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) on 15 November 2006 via video teleconference between Andrews AFB, Maryland and Travis AFB, California but failed to appear at the time and date requested or notify the board of his intent.

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 on his DD Form 293 substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant was financially irresponsible with his Government American Express Card, wrote bad checks to the McGuire Enlisted Club on many different occasions for amounts totaling almost \$1100.00, signed official records with intent to deceive, made false official statements, wrongfully appropriated approximately \$1100.00 from the US Treasury, submit a PCS travel claim which falsely claimed entitlement to over \$1000.00, and the applicant dishonorably failed to pay a just debt of approximately \$3900.00. For these offenses, the applicant received two Article 15s. Additionally, earlier in his career (though not a basis for this discharge or for the characterization he received), he had received an Article 15 for hitting his wife in the face with his fist. The DRB opined that through these nonjudicial and administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the pattern of misconduct and level of criminal activity for an NCO of his rank and experience was indeed a significant departure from the conduct expected from Airmen. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant states that his discharge characterization did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports and other accomplishments listed therein. The DRB found the seriousness and complexity of the willful misconduct offset the total positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well since his separation from the Air Force. He has served in the California Army National Guard (including currently being on full-time National Guard duty in an Active Guard/Reserve status since August 2005). However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

The DRB recognized the fact that the applicant had served over ten years total service before he was discharged, but concluded the applicant's misconduct outweighed the positive aspects of his time in the Air Force. The Board noted the applicant was given full rights to an administrative discharge board, and a review of those board proceedings reveals he was given every procedural requirement and was competently represented by an attorney before and throughout the board.

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 SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr McGuire AFB, NJ on 16 Apr 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 5 Aug 67. Enlmt Age: 17 4/12. Disch Age: 28 8/12. Educ: HS DIPL. AFQT: N/A. A-63, E-29, G-39, M-34. PAFSC: T2T251 - Air Transportation Journeyman Technical Training Instructor. DAS: 29 Jul 94.

b. Prior Sv: (1) AFRes 29 Dec 84 - 16 Dec 85 (11 months 18 days) (Inactive).

(2) Enlisted as AB 17 Dec 85 for 4 yrs. Extended 1 Jun 88 for 4 months. Svd: 3 yrs 11 months 27 days, all AMS. AMN - 17 Jun 86. A1C - 17 Feb 87. SrA - 17 Dec 86. Sgt-(APR Indicates): 16 Jun 92-15 Jun 93. APRs: 9,9,8,9.

ART 15: (1) 9 Nov 87, Ramstein AB, Germany - Article 128. That you did, on or about 29 Oct 87, unlawfully strike [redacted] in the face with your right fist. Suspended reduction to Airman. Suspended forfeiture of \$200.00 per month for 2 months. Thirty days correctional custody. (No appeal) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 15 Dec 89 for 5 yrs. Extended 24 Jun 94 for 19 months. Svd: 06 Yrs 04 Mo 01 Das, all AMS.

b. Grade Status: SrA - 28 Jul 95 (Article 15, 28 Jul 95)
SSgt - 01 Jan 94

c. Time Lost: None.

d. Art 15's: (1) 28 Jul 95, McGuire AFB, NJ - **Article 92.** You, who knew of your duties within the territorial limits of the United States, on divers occasions between on or about 30 Dec 93 and on or about 9 Jun 94, were derelict in the performance of those duties in that you willfully failed to use your United States Government American Express card for official United States Government travel only, as it was your duty to do. **Article 107.** You, did, on or about 3 Jun 94, with intent to deceive, sign an

official record, to wit: a DD Form 1746, Nov 90, Application For Assignment to Housing, which record was totally false in that you stated that your daughter, [redacted] resided with you, when in fact, your daughter, [redacted] did not reside with you, and was then known by you to be so false. You, did, on or about 5 Aug 94, with intent to deceive, sign an official record, to wit: a DD Form 93, May 89, Record of Emergency Data, which record, was totally false in that you stated that your daughter, [redacted] resided with you in Building 1902, Room 29, McGuire AFB, NJ, when in fact, your daughter, [redacted] did not reside with you in Building 1902, Room 29, and was then known by you to be so false. **Article 121.** You, did, on or about 9 Aug 94, wrongfully appropriate money, of a value of \$1088.32, the property of the United States Air Force. **Article 132.** You, did, on or about 5 Aug 94, present a DD Form 1351-2, Oct 91, Travel Voucher Or Sub Voucher, for approval and payment, a claim against the finance officer at McGuire AFB, NJ, in the amount of \$1943.22 for travel expenses during your permanent change of station from Travis AFB, CA, which claim was false and fraudulent in the amount of \$1088.32, and was known by you to be false and fraudulent. **Article 134.** You, being indebted to American Express in the total sum of \$3889.55 for cash advances, charges, and advance fees, which amount became due and payable on or about 20 May 94, did within the territorial limits of the United States from on or about 20 May 94 to on or about 20 Jan 95, dishonorably fail to pay said debt. Reduced to SRA. (No appeal) (No mitigation)

- (2) 10 Mar 95, McGuire AFB, NJ - **Article 134.** You did, on divers occasions, between on or about 2 Oct 94 and or about 11 Dec 94, make and utter to the McGuire Enlisted Club certain drafts, in words and figures as follows to wit: seven drafts totalling \$1095.00, for the procurement of things of value and or cash, and did, thereafter dishonorably fail to maintain sufficient funds in Wells Fargo Bank for payment of such drafts in full upon their presentment for payment. Suspended reduction to SrA. Forty five days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 04 Mar 89 - 03 Mar 90 Travis AFB 4 (Annual)
 04 Mar 90 - 03 Mar 91 Travis AFB 4 (Annual)
 04 Mar 91 - 31 Aug 91 Travis AFB 4 (CRO)
 01 Sep 91 - 15 Jun 92 Travis AFB 5 (CRO)
 16 Jun 92 - 15 Jun 93 Travis AFB 5 (Annual)
 16 Jun 93 - 25 Feb 94 Travis AFB 5 (CRO)

26 Feb 94 - 26 Feb 95 McGuire AFB 2 (Annual)REF
26 Feb 95 - 25 Feb 96 McGuire AFB 3 (Annual)

h. Awards & Decs: AFAM W/2 DEVS, AFLSAR W/1 DEV, AFTR, AFOSLTR, NDSM, NCOPMER W/1 DEV, AFOUA, AFOEA, AFGCM W/1 DEV.

i. Stmt of Sv: TMS: (11) Yrs (03) Mos (19) Das
TAMS: (10) Yrs (04) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Sep 05.
(Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. NGB 22.
4. Special Orders.
5. Promotion Order.
6. Service School Academic Evaluation Report.

1NOV05/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

DD FORM 214

b. DOCUMENT 2:

NGB-22

c. DOCUMENT 3:

Current Military Orders

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

Ma'am or Sir, during my Military Career in the Air Force I was an exceptional NCO and Airman, the reason I was discharged was due to me being financially irresponsible. I was given an American Express government card at the time and used it for other things other than official military expenses, I also wrote checks that I knew at the time the money was not in my account, hoping that they would not clear until my check was deposited. I understand now the importance of being financially responsible. I am an Active Duty Army Soldier who just became a NCO again by attending the Army's Professional Leadership Course, and attaing the Distinguished Graduate, also if you review my DD Form 214 from the Air Force you will notice that before I was in trouble that my Military Career includes many decorations and awards, for Good Conduct, as well as Achievement. I am extremely remorseful for the period in which I was very irresponsible, but I have turned my life around for the better, and the only blemish I have is the UOTCH on my record, I am not trying to request an upgrade to a Honorable Discharge, because I realize that I made mistakes and I must suffer the consequences of my actions, but with what I had accomplished my first 9 years in the Air Force, I believe it far out weighs what I did the last year in the Air Force, that is why I believe a General Discharge should be awarded. I hope that you consider my request and not just push it to the side, as you review my prior service record as well as my current enlistment you will notice that I was a good NCO, Airman.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)
AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

2005-09-26

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY
Army Review Boards Agency
Support Division, St. Louis
ATTN: SFMR-FBR-SL
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY & MARINE CORPS
Naval Council of Personnel Boards
720 Kennon Street, S.E.
Rm. 309 (NDRB)
Washington Navy Yard, DC
20374-5023

AIR FORCE
SAF/MIBR
550-C Street West, Suite 40
Randolph AFB, TX 78160-4742

COAST GUARD
Commandant (G-WPM)
2100 Second Street, S.W.
Washington, DC 20593-0001

**DEPARTMENT OF THE AIR FORCE
HQ AIR MOBILITY WARFARE CENTER (AMC)
FORT DIX, NEW JERSEY 08640**

7 Aug 95

MEMORANDUM FOR SrA: [REDACTED]

FROM: HQ AMWC/CC

SUBJECT: Notification Letter--Board Hearing

1. I am recommending you for discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. Copies of the documents to be forwarded to the separation authority to support the recommendation are attached.

2. My reasons for this action are:

a. Between 2 October 1994 and 11 December 1994, you made and uttered to the McGuire Enlisted Club seven separate drafts totaling \$1095.00 for the procurement of cash and dishonorably failed to maintain sufficient funds in the Wells Fargo Bank for payment of such drafts. You were given an Article 15 on 10 March 1995 for this offense. The punishment imposed was a suspended reduction to Senior Airman and 45 days extra duty.

b. Between 30 December 1993 and 9 June 1994, on divers occasions, you were derelict in the performance of your duties in that you willfully failed to use your United States Government American Express card for official United States Government travel only, as it was your duty to do so.

c. On or about 3 June 1994, with intent to deceive, you signed an official record, to wit: a DD Form 1746, Nov 90, Application For Assignment To Housing, which record, was totally false in that you stated that your daughter, [REDACTED] resided with you, when in fact, your daughter, [REDACTED] did not reside with you, and was then known by you to be false.

d. On or about 5 August 1994, with intent to deceive, you signed an official record, to wit a DD Form 93, May 89, Record of Emergency Data, which record, was totally false in that you stated that your daughter, [REDACTED] resided with you in Building 1902, Room 29, McGuire AFB, New Jersey, when in fact, your daughter, [REDACTED] did not reside with you in Building 1902, Room 29, and was then known by you to be so false.

e. On or about 5 August 1994, you presented a DD Form 1351-2, Oct 91, Travel Voucher Or Sub Voucher, for approval and payment, a claim against the finance officer of McGuire AFB, New Jersey, in the amount of \$1943.22 for travel expenses during

Government Ex 3a ¹⁰⁶⁴ For ID
Offered _____ Admitted _____

your permanent change of station from Travis AFB, California to McGuire AFB, New Jersey, which claim was false and fraudulent in the amount of \$1088.32, and was then known by you to be false and fraudulent.

f. On or about 9 August 1994, you wrongfully appropriated money, of a value of \$1088.32, the property of the United States Air Force.

g. You, being indebted to American Express in the total sum of \$3889.55 for cash advances, charges, and advance fees, which amount became due and payable on or about 20 May 1994, did within the territorial limits of the United States from on or about 20 May 1994 to on or about 20 January 1995, dishonorably fail to pay said debt. For the offenses noted in items b thru g above, you received an Article 15 on 28 July 1995. For these offenses, you were reduced in grade to Senior Airman.

3. These actions could result in your separation with an Under Other Than Honorable Conditions (UOTHC) Discharge. I am recommending that you receive an UOTHC 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 in 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. You have been scheduled for a medical examination. You must report to Walson Air Force Hospital at 0730 on 8 August 1995. You must fast for 12 hours prior and no alcohol 72 hours prior to the exam.

6. Military legal counsel, Capt [redacted] x2349, has been obtained to assist you. An appointment has been scheduled for you to consult her on 10 August 95 at 0930. Instead of the appointed counsel, you may have another, if the lawyer you request is in active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have a 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.

7. Confer with your counsel and reply, in writing, within 7 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 in 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.

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 the First Sergeant's 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.

[Redacted Signature Box]

Commander

Attachments:

1. Airman's acknowledgment
2. Article 15 dated 10 March and all supporting documents
3. Article 15 dated 28 August and all supporting documents