

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

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

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES

A93.11
A94.53

INDEX NUMBER

A67.30

EXHIBITS SUBMITTED TO THE BOARD

1

ORDER APPOINTING THE BOARD

2

APPLICATION FOR REVIEW OF DISCHARGE

3

LETTER OF NOTIFICATION

4

BRIEF OF PERSONNEL FILE

COUNSEL'S RELEASE TO THE BOARD

ADDITIONAL EXHIBITS SUBMITTED AT TIME OF
PERSONAL APPEARANCE

TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE

25 May 2006

CASE NUMBER

FD-2005-00387

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C.

Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

Names and votes will be made available to the applicant at the applicant's request.

SIGNATURE OF RECORDER

SIGNATURE OF BOARD PRESIDENT

INDORSEMENT

DATE: 5/30/2006

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-2005-00387
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE: Applicant received a General discharge for Misconduct – Commission of a Serious Offense</p> <p>Applicant contends that he would like to finish school and achieve a college degree. Although the Board was sympathetic to the impact the loss of these benefits was having on the applicant, this is not a matter of inequity or impropriety which would warrant an upgrade. The records indicated the applicant received an Article 15 for misconduct to include failure to return to work, absenting himself from his unit without authorization, failure to pay a just debt, and numerous instances of writing bad checks. 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, and the characterization of the discharge received by the applicant was found to be appropriate.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Little Rock AFB, AR on 17 May 99 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 May 77. Enlmt Age: 18 1/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-87, E-50, G-46, M-09. PAFSC: 2S051 - Supply Management Journeyman. DAS: 02 Aug 98.

b. Prior Sv: (1) AFRes 29 Jun 95 - 12 Dec 95 (5 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Dec 95 for 4 yrs. Svd: 03 Yrs 05 Mo 05 Das, all AMS.

b. Grade Status: AB - 6 Apr 99 (Article 15, 6 Apr 99)
SrA - 13 Dec 98
A1C - 13 Apr 97
Amn - 13 Jun 96

c. Time Lost: None.

d. Art 15's: (1) 6 Apr 99, Howard AFB, Panama - **Article 134.** You did, on divers occasions between on or about 15 Jan 99 and on or about 10 Feb 99, make and utter to the Howard Enlisted Members Club, 25 checks of a total of \$2,500.00 for cash, and did thereafter dishonorably fail to maintain sufficient funds in the Cannon Federal Credit Union for payment of said checks in full upon their presentment for payment. You did, on divers occasions between on or about 13 Jan 99 and on or about 23 Jan 99, make and utter to Army Air Force Exchange Service, 10 checks of a total of \$3,000.00 for cash, and did thereafter dishonorably fail to maintain funds in the Cannon Federal Credit Union for payment of said checks in full upon their presentment for payment. You, being indebted to Howard AFB Community Bank in the sum of \$7,280.00, which amount became due and payable between on or about 1 Jan 99 and on or about 24 Feb 99, did, from on or about 1 Jan 99 to on or about 24 Feb 99, dishonorably fail to pay said debt. **Article 92.** You, having knowledge of a lawful order issued by SSgt [REDACTED], your supervisor, to return to duty at 1200

hours on 18 Feb 99, an order which it was your duty to obey, did, on or about 18 Feb 99, fail to obey the same by wrongfully not returning to work and departing the country of Panama. **Article 86.** You did, on or about 18 Feb 99, without authority, absent yourself from your unit, to wit: 24 Civil Engineer Squadron, located at Howard AFB, Republic of Panama, and did remain so absent until on or about 23 Feb 99. Reduction to AB, restriction to Howard AFB, Republic of Panama for 20 days, and 20 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: none.

g. Record of SV: 13 Dec 95 - 12 Aug 97 Cannon AFB 5 (Initial)
13 Aug 97 - 09 Jun 98 Cannon AFB 5 (CRO)

h. Awards & Decs: AFGCM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (10) Mos (19) Das
TAMS: (03) Yrs (05) Mos (05) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 23 Sep 05.
(Change Discharge to Honorable)

Issue 1: I would first like to say that I sincerely apologize for the mistakes I made while serving in the USAF. I wrote bad checks to cover up my debt at the time I was 21 and I had financial difficulties. I am 28 today and as I look back I realize I could have went to jail. I consider myself very lucky. I also would like to apologize to Lt.Col. [REDACTED] (24 CES Squadron Commander) and my supervisor TSgt [REDACTED]. The reason I respectfully ask for a change to honorable is that I would like to finish school and achieve a college degree. Thank you for considering my letter.

ATCH
None.

2NOV05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 24TH WING (ACC)
HOWARD AIR FORCE BASE, PANAMA

MEMORANDUM FOR AB: [REDACTED]

24 CES

14
16 APR 1996

FROM: 24 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Commission of Serious Offenses. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.52.3. If my recommendation is approved, your service will be characterized as either honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action, as evidenced by the Article 15 dated 12 Apr 99, are as follows:
 - a. On divers occasions between on or about 15 Jan 99 and on or about 10 Feb 99, you wrote 25 checks to the Howard AFB Enlisted Club for \$100.00 each, and failed to maintain sufficient funds for their payment.
 - b. Between on or about 13 Jan 99 and on or about 23 Jan 99 you wrote 10 checks to AAFES for \$300.00 each, and failed to maintain sufficient funds for their payment.
 - c. You were indebted to the Howard AFB Community Bank in the sum of \$7,280.00, which became due and payable between on or about 1 Jan 99 and on or about 24 Feb 99, and you did thereafter dishonorably fail to pay the debt.
 - d. You had knowledge of a lawful order issued to you by your supervisor to return to duty at 1200 hours on 18 Feb 99, and on or about 18 Feb 99 you failed to obey the same by wrongfully not returning to work and departing the country of Panama.
 - e. On or about 18 Feb 99, you absented yourself from your unit, 24th Civil Engineering Squadron, and did remain so absent until on or about 23 Feb 99.
3. Copies of the document to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a 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.

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4. You have the right to consult counsel. Military counsel has been obtained to assist you. I have made an appointment for you to consult with Captain [redacted] ADC MacDill AFB, FL on 14 April 1999 at 1400 hours. Captain [redacted] can be reached at DSN 968-4455/6 (Fax: 4457). You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 16th Apr 1999 (three workdays) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to Howard AFB Flight Medicine at Bldg 218, on 15 Apr 1999 at 1300 hours for the examination. You must be in military uniform and have your glasses if you wear them and medical records.

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 at the Legal Office, Bldg 238, Howard AFB, Panama.

9. Execute the attached acknowledgment and return it to me immediately.

[redacted]

Commander

Attachment:

Art 15, dtd 12 Apr 99