

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE A1C	AFSN/SSAN []
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TYPE UOTH	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 A94.53	INDEX NUMBER A75.00	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 05 Jun 2006	CASE NUMBER FD-2005-00415			

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.

Upgrade of RE Code, and Reason and Authority are also denied.

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT
INDORSEMENT	
DATE: 6/5/2006	

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**FD-2005-00415**

GENERAL: The applicant appeals for upgrade of discharge to honorable, 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, change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant received a UOTHC Discharge – Discharge in Lieu of Court Martial

Applicant contends she wishes to apply for and obtain veteran status and benefits for herself and her family and is considering reenlisting in the Air Force or Air Force Reserves before reaching the age of 28. Although the Board was sympathetic as to the impact the loss of these benefits was having on the applicant, these are not matters of inequity or impropriety which would warrant an upgrade of her discharge. The DRB noted the applicant signed a statement requesting discharge in lieu of court-martial for making and uttering 39 worthless checks totaling approximately \$2,500. In the applicant's signed statement, she acknowledged she had consulted and received legal counsel, she could be discharged under other than honorable conditions, she was aware of the adverse nature of such a discharge and the possible consequences thereof, and it could deprive her of her veteran's benefits. The Board found no inequity or impropriety in her discharge and concluded the willful misconduct was a significant departure from conduct expected of all military members and found the willful misconduct of the applicant appropriately characterized her term of service.

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, reason and authority for the discharge, and reenlistment code should not be changed.

Attachment:
Examiner's Brief

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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF Tinker AFB, OK on 9 Oct 97 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 30 Dec 78. Enlmt Age: 17 5/12. Disch Age: 18 9/12. Educ: HS DIPL. AFQT: N/A. A-85, E-48, G-57, M-11. PAFSC: 1A431 - Airborne Warning Command & Control System Apprentice. DAS: 5 Feb 97.

b. Prior Sv: (1) AFRes 4 Jun 96 - 27 Aug 96 (2 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 28 Aug 96 for 4 yrs. Svd: 01 Yrs 01 Mo 13 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MFR, 20 MAY 97 - Financial irresponsibility.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (04) Mos (06) Das
TAMS: (01) Yrs (01) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Oct 05.

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

Issue 1: I am requesting an upgraded discharge status so that I may apply for and obtain veteran status and benefits for myself and my children. I am also considering re-enlisting in the United States Air Force as either an active duty member or a Reservist before I reach the age of 28. I do not wish for the nature of my current discharge status to hinder these goals.

ATCH

1. DD Form 214.
2. AF Form 100.
3. AF Form 973.

9JAN06/ia

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) [Redacted]		2. SSN [Redacted]	3. GRADE OR RANK A1C	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION 552d Training Squadron Tinker Air Force Base, Oklahoma			6. CURRENT SERVICE	
7. PAY PER MONTH			a. INITIAL DATE	b. TERM
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	28 Aug 96	4 years
\$1,049.70	\$0.00	\$1,049.70	8. DATE(S) IMPOSED N/A	
9. NATURE OF RESTRAINT OF ACCUSED N/A				

II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 123a

SPECIFICATION: 1

In that, AIRMAN FIRST CLASS [Redacted] 552d Training Squadron, Tinker Air Force Base, Oklahoma, did, in the state of Oklahoma, on divers occasions, between on or about 9 April 1997 and 12 May 1997, with intent to defraud and for the procurement of articles or things of value, wrongfully and unlawfully make and utter to various institutions and individuals as stated below, certain checks as listed below, for the payment of money drawn upon the Tinker Federal Credit Union, as follows:

DATE	CHECK#	PAYEE	AMOUNT
9 Apr 97	537	Eagle Vision	\$ 49.85
14 Apr 97	545	Walmart	\$206.09
18 Apr 97	548	[Redacted]	\$ 50.00
19 Apr 97	549	[Redacted]	\$ 50.00
19 Apr 97	550	Express	\$ 42.27
19 Apr 97	551	Hollywood Video	\$ 9.68
21 Apr 97	553	[Redacted]	\$ 30.00
23 Apr 97	554	Kay Bee Toy Store	\$192.89
23 Apr 97	555	Walmart	\$ 80.35
24 Apr 97	556	Tinker AFB Exchange	\$ 17.34
25 Apr 97	557	[Redacted]	\$ 50.00
26 Apr 97	558	[Redacted]	\$200.00
30 Apr 97	559	Hollywood Video	\$ 6.45
25 Apr 97	560	Spencer's Gifts	\$ 22.53

see continued sheet

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [Redacted]	b. GRADE Lt Col	c. ORGANIZATION OF ACCUSER 552d Training Squadron
d. SIGNATURE OF ACCUSER [Redacted]	e. DATE 19 Aug 97	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 19th day of August, 19 97, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

<p>[Redacted]</p> <p>_____ Typed Name of Officer</p> <p>Captain</p> <p>[Redacted]</p> <p>_____ Signature</p>	<p>OC-ALC/JA</p> <p>_____ Organization of Officer</p> <p>Judge Advocate</p> <p>_____ Official Capacity to Administer Oath (See A.C.M. 307(b) - must be commissioned officer)</p>
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CONTINUED SHEET, DD FORM 458, AIRMAN FIRST CLASS [REDACTED]
 M., 552D TRAINING SQUADRON, TINKER AFB, OK, dated 19 August 1997

DATE	CHECK#	PAYEE	AMOUNT
28 Apr 97	561	[REDACTED]	\$ 40.00
28 Apr 97	562	Tinker AFB Exchange	\$ 8.93
30 Apr 97	563	Southwestern Bell	\$270.70
4 May 97	564	Trends	\$ 65.00
1 May 97	565	[REDACTED]	\$ 80.00
3 May 97	568	Tamara Lemons	\$ 30.00
4 May 97	569	Crest Food Store	\$ 45.99
8 May 97	570	Lerner's	\$ 96.75
4 May 97	571	Albertson's	\$ 15.00
5 May 97	572	Eckerd's	\$ 37.20
6 May 97	573	Pizza Hut	\$ 15.00
7 May 97	574	Texaco	\$ 9.70
7 May 97	575	Outback Steakhouse	\$ 31.65
8 May 97	576	Dillards	\$ 59.13
9 May 97	578	U.S. Postmaster	\$ 9.00
9 May 97	580	Golden Corral	\$ 15.89
11 May 97	582	Mystic Moon	\$ 38.97
11 May 97	583	[REDACTED]	\$108.36
11 May 97	584	CNS	\$ 22.65
11 May 97	585	Texaco	\$ 11.28
12 May 97	586	Golden Corral	\$ 6.76
12 May 97	587	Golden Corral	\$ 6.76

SPECIFICATION 2: In that, AIRMAN FIRST CLASS: [REDACTED] 552d
 Training Squadron, Tinker Air Force Base, Oklahoma, did, in the state of Oklahoma, on divers
 occasions, between on or about 1 May 1997 and on or about 10 May 1997, with intent to deceive
 and for the payment of a past due obligation, wrongfully and unlawfully make and utter to
 various institutions as stated below, certain checks as listed below, for the payment of money
 drawn upon the Tinker Federal Credit Union, as follows:

DATE	CHECK#	PAYEE	AMOUNT
1 May 97	566	Customer Credit	\$141.14
8 May 97	577	Creditcorp, Inc.	\$ 29.95
10 May 97	581	Oklahoma Tax Commission	\$295.50

12. On 19th August, 19 97, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

Typed Name of Immediate Commander
 Lt Col

Organization of Immediate Commander
 552d Training Squadron

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at _____ hours, 19th August 19 97 at HQ 72d Air Base Wing
Designation of Command or

Tinker Air Force Base, Oklahoma (AFMC)
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 402)

FOR THE ¹ Commander

Typed Name of Officer
 Major

Official Capacity of Officer Signing
 Judge Advocate

Grade

Signature

V. REFERRAL: SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	b. DATE
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Referred for trial to the _____ court-martial convened by _____

_____ 19 _____, subject to the following instructions: ² _____

By _____ of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15. On _____ 19 _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.
 2 - See R.C.M. 601(e) concerning instructions. If none, so state.