

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE AMN	AFSN/SSAN _____
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TYPE	GEN	PERSONAL APPEARANCE	X	RECORD REVIEW	
COUNSEL YES No _____ _____ _____ X		NAME OF COUNSEL AND OR ORGANIZATION _____	ADDRESS AND OR ORGANIZATION OF COUNSEL _____		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X**
					X**
					X**
					X**
					X**

ISSUES A93.11	INDEX NUMBER A67.90	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <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> </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 17 Oct 2006	CASE NUMBER FD-2005-00470	
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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.

*Reason and Authority
 +Reenlistment Code

INDORSEMENT

DATE: 10/23/2006

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-2005-00470

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:

The applicant cited his desire to serve once again in the armed forces. He also contends that his former commander advised him he should try to reenlist once his bills were under control. The records indicated the applicant received an Article 15, a Vacation, three Letters of Reprimand, and four Records of Individual Counseling for misconduct. He received an Article 15 for making false official statements. He was punished with a suspended reduction in grade to airman, suspended forfeiture of pay, and 14 days of extra duty. The Vacation action resulting in his reduction to airman and forfeiture of pay was for failure to pay a debt. Applicant was also administratively disciplined for financial irresponsibility, inattention to detail, insubordinate behavior, and failure to obey an order. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings, the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Offutt AFB, NE on 6 Mar 01 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 17 Aug 80. Enlmt Age: 18 1/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-65, E-81, G-80, M-85. PAFSC: 3C051 - Communications Computer Systems Operations Journeyman. DAS: 26 Jul 99.

b. Prior Sv: (1) AFRes 21 Sep 98 - 02 Mar 99 (5 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Mar 99 for 4 yrs. Svd: 02 Yrs 00 Mo 04 Das, all AMS.

b. Grade Status: Amn - 31 Oct 00 (Vacation of Article 15, 6 Feb 01)
A1C - 03 Jul 00
Amn - 03 Sep 99

c. Time Lost: None.

d. Art 15's: (1) 6 Feb 01, Vacation, Offutt AFB, NE - Article 134. You, being indebted to AXSYS National Bank in the sum of \$919.27 for a debt, which amount became due and payable on or about 7 Jun 00, did from on or about 7 Jun 00, to on or about 7 Jan 01, dishonorably fail to pay said debt. Reduction to Airman, and forfeiture of \$263.00 pay. (No appeal) (No mitigation)

(2) 31 Oct 00, Offutt AFB, NE - Article 107. You did, on or about 6 Oct 00, with intent to deceive, make to MSgt [redacted] an official statement, to wit: "I have not received any letters in reference to the reopening of any checking and savings account at Great Western Bank," or words to that effect, which statement was totally false, and was then known by you to be so false. You did, on or about 6 Oct 00, with intent to deceive, make to MSgt [redacted] an official statement, to wit: "I am sure I gave \$220.00 to the teller in order to reopen a savings or checking account at Great Western Bank," or words to that effect, which statement was totally false, and was then known by you to be so false. Article 121. You did, on or about 1 Sep 00, steal

26 Feb 01



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE WEATHER AGENCY (AFWA)
 106 PEACEKEEPER DRIVE SUITE 2N3
 OFFUTT AFB, NEBRASKA 68113-4039

MEMORANDUM FOR AMN: [REDACTED]

FROM: HQ AFWA/CCQ

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 4 February 2000, you, who knew of your duties, were derelict in the performance of those duties in that you failed to make sufficient log entries, as it was your duty to do. For this incident you received a Record of Individual Counseling dated 10 February 2000. (Atch 1-1)

b. You, who knew of your duties at or near Offutt Air Force Base, Nebraska, on or about 29 February 2000, were derelict in the performance of those duties in that you willfully failed to ensure the decryptions for a satellite were correct, as it was your duty to do. For this incident you received a Record of Individual Counseling dated 10 March 2000. (Atch 1-2)

c. On or about 29 February 2000, you, having knowledge of a lawful order issued by SrA [REDACTED], to take over operations on the Ingest Satellite Workstation, an order which was your duty to obey, failed to obey the same. For this incident you received a Record of Individual Counseling dated 10 March 2000. (Atch 1-3)

d. On or about 11 October 2000, with intent to deceive, you made to MSgt [REDACTED] an official statement, to wit: "I have no other outstanding debts," or words to that effect, which statement was totally false, and was then known by you to be so false. For this incident you received a Record of Individual Counseling dated 29 October 2000. (Atch 1-4)

e. You did, at or near Offutt Air Force Base, Nebraska, on or about 6 October 2000, with intent to deceive, make to Master Sergeant [REDACTED] an official statement, to wit: "I have not received any letters in reference to the reopening of any checking and savings account at Great Western Bank," or words to that effect, which statement was totally false, and was then known by you to be so false.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain: _____ Bldg 323C, RM 302, Phone 4-3939, at 0900 on 27 Feb 01. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 01 Mar 01 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 on 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 the 55th Medical Group, Physical Exams, Room 115, Building 527 (Fairchild Hall), at _____ on _____ for the examination. Please pick up your medical records 24 hrs prior to your appointment.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 1000 on 27 Feb 01 with your escort.

9. You have been scheduled for a pre-separation briefing. You must report to the Family Support Center at 0900 on 6 Mar 01 for the briefing.

10. 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 unit orderly room.

11. Execute the acknowledgment provided and return it to me immediately.

Commander, Headquarters Section

Attachments:

- Atch 1-1; Record of Individual Counseling dated 10 Feb 00
- Atch 1-2; Record of Individual Counseling dated 10 Mar 00
- Atch 1-3; Record of Individual Counseling dated 10 Mar 00
- Atch 1-4; Record of Individual Counseling dated 29 Oct 00
- Atch 1-5; Art 15 dated 31 Oct 00
- Atch 1-6; LOR dated 20 Nov 00
- Atch 1-7; LOR dated 20 Nov 00
- Atch 1-8; LOR dated 2 Feb 01
- Atch 1-9; Vacation of Suspended Nonjudicial Punishment dated 6 Feb 01