

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE SRA	AFSN/SSAN []
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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
YES	No	
	X	

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

ISSUES A94.53	INDEX NUMBER A67.90	<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="width:5%; padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="width:5%; padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="width:5%; 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 14 Sep 2006	CASE NUMBER FD-2006-00019	
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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.

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

SIGNATURE OF RECORDER []	SIGNATURE OF BOARD PRESIDENT []
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<p align="center">INDORSEMENT</p> <p>TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</p>	<p align="right">DATE: 9/18/2006</p> <p>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</p>
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00019

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, and change of reenlistment code are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant acknowledged that he made mistakes and has learned his lesson. He has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received an Article 15, two Letters of Reprimand, and one Letter of Counseling for misconduct. The applicant received an Article 15 for unauthorized use and failure to pay debt on his government travel card. He was punished with a reduction in grade to airman first class and a reprimand. He was administratively disciplined for failure to obey lawful orders for misuse of his government computer, failure to obey a no contact order and financial irresponsibility. 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 A1C) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Pope AFB, NC on 12 May 05 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: 3 May 82. Enlmt Age: 17 8/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-59, E-52, G-36, M-23. PAFSC: 1C052 - Aviation Resource Management Journeyman. DAS: 30 Nov 00.

b. Prior Sv: (1) AFRes 14 Jan 00 - 22 Aug 00 (7 months 9 days) (Inactive).

(2) Enlisted as AB 23 Aug 00 for 4 yrs. Svd: 03 Yrs 05 Mo 11 Das, all AMS. Amn - 23 Feb 01. A1C - 23 Dec 01. SrA - 23 Nov 03. EPRs: 4,2(REF),4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 6 Feb 04 for 5 yrs. Svd: 01 Yr 03 months 08 days, all AMS.

b. Grade Status: A1C - 8 Apr 05 (Article 15, 8 Apr 05)

c. Time Lost: None.

d. Art 15's: (1) 8 Apr 05, Pope AFB, NC - Article 92. You, who knew of your duties, from on or about 9 Jan 05 to on or about 10 Mar 05, were, on divers occasions, derelict in the performance of those duties in that you willfully failed to utilize your government travel card for authorized purchases only, as it was your duty to do. You, who knew of your duties, on or about 22 May 04, were derelict in the performance of those duties in that you willfully failed to utilize your government travel card for authorized purchases only, as it was your duty to do. You, who knew of your duties, on or about 26 Mar 04, were derelict in the performance of those duties in that you willfully failed to utilize your government travel card for authorized purchases only, as it was your duty to do. Article 134. You, being indebted to Bank of America in the sum of \$77.95 for credit card purchases, which amount became due and payable on or about 3 Apr 04, did, from on or about 3 Apr 04 to 7 Jul 04, dishonorably fail to pay said debt. Reduction to

A1C, and a reprimand. (No appeal) (No mitigation)

- e. Additional: AF418, 28 MAR 05 - Denial of Reenlistment.
LOR, 07 SEP 04 - Financial irresponsibility.
LOR, 25 AUG 04 - Failed to obey a lawful order.
LOC, 27 MAY 04 - Failed to obey a lawful order.

f. CM: None.

g. Record of SV: 24 Nov 03 - 23 Nov 04 Pope AFB 2 (Annual)REF

h. Awards & Decs: AFTR, NDSM, AFEM, AFLSAR, AFESR, AFESR W/GOLD BORDER, GWOTEM, GWOTSM, AFOUA W/VALOR W/OLC.

i. Stmt of Sv: TMS: (05) Yrs (03) Mos (29) Das
TAMS: (04) Yrs (08) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Dec 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am requesting an upgrade because I learned my lesson and will not participate in such behavior again. I want to continue serving my country and I will enlist in the AF reserves as soon as I am eligible.

ATCH

1. DD Form 214.

22FEB06/ia



DEPARTMENT OF THE AIR FORCE
23D FIGHTER GROUP (ACC)
POPE AIR FORCE BASE NORTH CAROLINA

FD 2006-00019

MEMORANDUM FOR AIC: [REDACTED]

27 APR 05

FROM: 23 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. From on or about 9 Jan 05 to on or about 10 Mar 05, you were on divers occasions, derelict in the performance of your duties in that you willfully failed to utilize your government travel card for authorized purchases only, as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 8 Apr 05.

b. On or about 22 May 04, you were derelict in the performance of your duties in that you willfully failed to utilize your government travel card for authorized purchases only, as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 8 Apr 05.

c. From on or about 3 Apr 04 to on or about 7 Jul 04, you being indebted to Bank of America in the sum of \$77.95 for credit card purchases, which amount became due and payable on or about 3 Apr 04, dishonorably failed to pay said debt, as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 8 Apr 05.

d. On or about 26 Mar 04, you were derelict in the performance of your duties in that you willfully failed to utilize your government travel card for authorized purchases only, as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 8 Apr 05.

e. On or about 8 Aug 04, the squadron was notified that you bounced three checks on base with the 43d Services Squadron, as documented by an Letter of Reprimand (LOR), dated 7 Sep 04.

f. On or about 1 Jul 04, you willfully disobeyed a lawful order by utilizing your government e-mail for personal use after your privileges were suspended, as documented by an LOR, dated 25 Aug 04.

g. On or about 1 Jul 04, you willfully circumvented prohibition that was set in place to disallow you access to government e-mail, as documented by an LOR, dated 25 Aug 04.

h. On or about 17 May 04, you used government computers for personal use, as documented by a Letter of Counseling, dated 27 May 04.

i. On or about 17 May 04, you were counseled on the importance of adhering to standards of professionalism and directed to refrain from requesting off duty friendships while on duty, as documented by a Letter of Counseling, dated 27 May 04.

3. The 43d Airlift Wing Commander, who exercises SPCM jurisdiction is the Separation Authority and will decide whether you will be discharged or retained in the Air Force. Copies of the documents to be forwarded to the Separation Authority in support of this recommendation are attached. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. Military counsel may be obtained to assist you. **Contact TSgt: [redacted] (extension 4-2362) at the Area Defense Counsel's office, to schedule an appointment with the Area Defense Counsel (ADC).** You may have a military counsel other than the ADC, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the 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.

5. You have the right to submit a statement on your behalf. Any statements you want the Separation Authority to consider must reach me by 1400 at 2 May 05 unless you request and receive an extension for good cause shown. Any submitted statements will be forwarded to the Separation Authority.

6. If you fail to consult counsel or to **submit statements on your behalf within three duty days**, 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 Pope AFB Flight Medicine Clinic on _____ at _____ hours for the examination.

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 <http://www.e-publishing.af.mil/>.

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

[Redacted Signature Box]

Commander

Attachments:

1. AF Form 3070, dated 8 Apr 05 (3 pgs)
2. Written Presentation of Article 15 Proceedings, dated 6 Apr 05
3. LOR, dated 7 Sep 04 (2 pgs)
4. LOR, dated 25 Aug 04
5. LOC, dated 27 May 04 (2 pgs)
6. Receipt of Notification Memorandum