

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | GRADE AB | AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> |
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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 |
| <div style="border: 1px dashed black; height: 100px; width: 100%;"></div> | | | | | X** |
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| ISSUES A94.05 | INDEX NUMBER A67.50 | 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 08 Feb 2007 | CASE NUMBER FD-2006-00246 | |
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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

| | |
|---|--|
| INDORSEMENT | DATE: 2/12/2007 |
| 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-2006-00246

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 contends discharge was inequitable because it was too harsh and based on one isolated incident in 7 ½ years of service. The records indicated the applicant received a General Court Martial and a civilian conviction for two counts of forgery. The General Court Martial found the applicant guilty of stealing United States currency; uttering American Express money orders with intent to defraud; and wrongfully soliciting another airman to steal United States currency by asking him to falsely cash money orders. The applicant was sentenced on November 22, 1996 to confinement for 6 months, reduction in grade to Airman Basic, and forfeiture of \$583.00 pay for six months. The applicant's records also indicated applicant was convicted of two counts of Forgery 3rd degree in the Court of Common Pleas for the State of Delaware. 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 AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Dover AFB, DE on 4 Apr 97 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Discharge, and to Change the RE Code, and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 13 May 70. Enlmt Age: 18 1/12. Disch Age: 26 10/12. Educ: HS DIPL. AFQT: N/A. A-79, E-32, G-42, M-48. PAFSC: 2T251 - Air Transportation Journeyman. DAS: 25 Jul 94.

b. Prior Sv: (1) AFRes 24 Jun 88 - 23 Apr 89 (10 months) (Inactive).

(2) Enlisted as AB 24 Apr 89 for 4 yrs. Extended 5 Feb 92 for 15 months. Svd: 3 yrs 1 month 2 days, all AMS. A1C - 24 Aug 90. SrA - 24 Apr 92. EPRs: 4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 27 May 92 for 4 yrs. Extended 31 Jan 96 for 3 months. Svd: 04 Yrs 10 Mo 07 Das, of which AMS is 04 yrs 10 months 07 days (excludes 4 months 14 days lost time).

b. Grade Status: AB - 6 Dec 96 (SPCMO #4, 31 Dec 96)

c. Time Lost: 4 months 14 days.

d. Art 15's: None.

e. Additional: 22 MAR 96 - Civil conviction for two counts of Forgery 3rd degree.
21 MAR 96 - Issuing 4 forged money orders at \$300.00 each.
19 MAR 96 - Issuing 4 forged money orders at \$300.00 each.
15 MAR 96 - Issuing 2 forged money orders at \$300.00 each.

f. CM: Special Court Martial Order No.4 - 31 Dec 96

CHARGE I: Article 121. Plea: NG. Finding: G.

Specification: Did, at or near Dover AFB, Delaware, on or about 21 Mar 96, steal lawful United States currency, of a value of about \$1,500.00, the property of Dover Federal Credit Union. Plea: NG. Finding: G.

CHARGE II: Article 123. Plea: NG. Finding: Guilty.

Specification: Did, at or near Dover AFB, Delaware, on or about 21 Mar 96, with intent to defraud, utter certain American Express money orders, to wit: five money orders of a value of about \$1,500.00, writings which would, if genuine, apparently operate to the legal harm of another, which said money orders were, as the Accused then well knew, falsely made. Plea: NG. Finding: G.

CHARGE III: Article 134. Plea: NG. Finding: G.

Specification: Did, at or near Dover AFB, Delaware, between on or about 19 Mar 96 and on or about 20 Mar 96, wrongfully solicit A1C [] to steal lawful United States currency, of a value of about \$2,400.00, the property of Dover Federal Credit Union, by asking A1C [] to cash approximately eight falsely made money orders at the Dover Federal Credit Union, Dover AFB, Delaware. Plea: NG. Finding: G. Sentence adjudged on 22 Nov 96: Confinement for 6 months, reduction to the grade of airman basic, and forfeiture of \$583.00 pay per month for 6 months.

g. Record of SV: 24 Dec 91 - 01 Jun 92 Pope AFB 4 (CRO)
 02 Jun 92 - 01 Jun 93 Yokota AB 5 (Annual)
 02 Jun 93 - 01 Jun 94 Yokota AB 4 (Annual)
 02 Jun 94 - 01 Jun 95 Dover AFB 5 (Annual)
 02 Jun 95 - 01 Jun 96 Dover AFB 2 (Annual) REF

h. Awards & Decs: JSAM, AFAM W/1 DEV, AFLSAR, AFTR, SWASM W/1 DEV, AFOSSTR, NDSM, NCOPMER, AFOUA, AFGCM W/1 DEV.

i. Stmt of Sv: TMS: (08) Yrs (04) Mos (27) Das
 TAMS: (07) Yrs (06) Mos (27) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Jun 06.
 (Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.

02AUG06/ia

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004 OMB approval expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

Form with fields for: a. BRANCH OF SERVICE (X one) ARMY, MARINE CORPS, NAVY, AIR FORCE, COAST GUARD; b. NAME; c. GRADE/RANK AT DISCHARGE (SRA / E-4); d. SOCIAL SECURITY NUMBER; 2. DATE OF DISCHARGE OR SEPARATION (19970404); 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE, GENERAL/UNDER HONORABLE CONDITIONS, UNDER OTHER THAN HONORABLE CONDITIONS, BAD CONDUCT, UNCHARACTERIZED, OTHER; 5. BOARD ACTION REQUESTED (X one) CHANGE TO HONORABLE, CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS, CHANGE TO UNCHARACTERIZED, CHANGE NARRATIVE REASON FOR SEPARATION TO;

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) In order to better my life and further my career goals, my DD Form 214 will need to be upgraded so that I may be able to get a security clearance again. I would like my reentry code to be change so that I may be able to continue further my career in the Air Force Reserves. My discharged was inequitable because it was based on one isolated incident in over 7 1/2 years of service with no other adverse action. Since my discharge, I am an excellent citizen of the community. I have not been in any other altercations with

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

9. TYPE OF REVIEW REQUESTED (X one) X CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10. a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.) b. TELEPHONE NUMBER (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below. SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.) b. TELEPHONE NUMBER (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.) CASE NUMBER (Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above) b. DATE SIGNED - REQUIRED (YYYYMMDD) 20060621 FD2006-00246

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

the law. The last 5 years I have been a civilian contractor working overseas in Macedonia, Kosovo and Iraq in support of our Troops and Operations Iraqi Freedom. I have nothing but the utmost respect for the Military and would like to continue my career in the Reserves. I would also like for the last grade held to be instated which is SRA / E-4.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

16. REMARKS (If applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

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

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 436TH AIRLIFT WING (AMC)

FD 2006-00246



MEMORANDUM FOR AB: [REDACTED], 436 APS

23 JAN 97

FROM: 436 APS/CC

SUBJECT: Notification Memorandum--Initiation of Administrative Discharge

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, discreditable involvement with military or civil authorities according to AFD 36-32 and AFI 36-3208, under the provisions of paragraph 5.50.1. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

| <u>DATE</u> | <u>INCIDENT</u> | <u>ACTION</u> | <u>ATCH</u> |
|--------------------------|--|---|-------------|
| 15 Mar 96 | Issuing 2 forged money orders at \$300 each | Incident occurred off-base. State of Delaware elected not to pursue. | 1a, e |
| 19 Mar 96 | Issuing 4 forged money orders at \$300 each | Incident occurred off-base. State of Delaware elected not to pursue. | 1b, e |
| 19 Mar 96 - 21 Mar 96 | Issuing 5 forged money orders at \$300 each; Soliciting another to commit larceny of \$2,400 by uttering 8 forged money orders; Larceny of \$1,500 | General Court-Martial conviction, dated 22 Nov 96 | 1c, e |
| 21 Mar 96 | Issuing 4 forged money orders at \$300 each | Incident occurred off-base. State of Delaware elected not to pursue. | 1d, e |
| 21 Mar 96 | Soliciting another to commit larceny of \$1,500 by uttering 5 forged money orders | Incident occurred off-base. State of Delaware elected not to pursue. | 1f |
| 22 Mar 96 | Possession of two forged money orders at \$300 each | Convicted of two counts of Forgery 3rd degree in the Court of Common Pleas for the State of Delaware, dated 28 Mar 96 | 1g, h, i, j |

3. This action could result in your separation with Under Other Than Honorable Conditions discharge. I am recommending that you receive Under Other Than Honorable Conditions 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.

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 Bldg 305, at _____ on _____.

6. Military legal counsel, Capt [redacted]; McGuire AFB, NJ, DSN 440-2349 was appointed to assist you during the general court-martial and is still considered your counsel at this date. She will also be notified of this discharge action. Instead of the appointed counsel, you may have another, 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.

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 will also 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 personnel 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 Orderly Room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your rights to be present at the hearing.

10. The discharge board or, the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).

[Redacted Signature Box]

Commander

Attachments:

- 1. Supporting Documents
 - a. Two Money Orders cashed on 15 Mar 96
 - b. Four Money Orders cashed on 19 Mar 96

- c. Report of Result of General Court-Martial, dated 22 Nov 96
 - d. Dover Federal Credit Union Receipt, dated 21 Mar 96
 - e. DFCU Account Statement of []
 - f. Five Money Orders cashed on 21 Mar 96
 - g. Court Docket, Court of Common Pleas - Delaware
 - h. Atty Gen Information
 - i. Sentence, Court of Common Pleas - Delaware; Crim Action No: 96-03-1110
 - j. Sentence, Court of Common Pleas - Delaware; Crim Action No: 96-03-1111
2. Airman's Receipt of Notification Letter