

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

A1C

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

UO/HC

OTHER

DENY

X+*

X+*

X+*

X+*

X+*

ISSUES

A93.01
A94.05

INDEX NUMBER

A49.00

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 HE

HEARING DATE

22 Feb 2007

CASE NUMBER

FD-2006-00256

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: 2/23/2007

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-2006-00256

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 is 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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Letters of Reprimand, one Record of Individual Counseling and ten Memorandums for Record for misconduct. The misconduct included numerous instances of financial irresponsibility, housing inspection failure, eviction from base housing for multiple inspection failures, failure to pay rent, causing damage to the apartment next door, and a civilian traffic ticket for no automobile insurance. 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.

Issue 2. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 22 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Charleston AFB, SC on 20 Aug 99 UP AFI 36-3208, para 5.26.4 (Unsatisfactory Performance). Appeals for an Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 28 Nov 76. Enlmt Age: 19 7/12. Disch Age: 22 8/12. Educ: HS DIPL. AFQT: N/A. A-48, E-51, G-52, M-55. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 8 Mar 97.

b. Prior Sv: (1) AFRes 19 Jul 96 - 22 Oct 96 (3 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Oct 96 for 4 yrs. Svd: 02 Yrs 09 Mo 28 Das, all AMS.

b. Grade Status: A1C - 23 Feb 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MEMO, 26 MAY 99 - Financial irresponsibility.
MEMO, 14 MAY 99 - Financial irresponsibility.
LOR, 03 MAY 99 - Financial irresponsibility.
MEMO, 06 APR 99 - Financial irresponsibility.
MEMO, 05 APR 99 - Financial irresponsibility.
MEMO, 18 MAR 99 - Financial irresponsibility.
MFR, 27 JAN 99 - Failure to pay rent, causing damage to the apartment next door, and traffic ticket for no insurance.
LOR/UIF, 8 SEP 98 - Financial irresponsibility.
MEMO, 05 SEP 98 - Financial irresponsibility.
STAFF SUMMARY, 15 APR 98 - Family Housing inspection failure.
RIC, 17 DEC 97 - Financial irresponsibility.
MFR, 12 AUG 97 - Financial irresponsibility.
MEMO, 11 AUG 97 - Housing inspection failure.
MEMO, 16 JUL 97 - Housing inspection failure.

f. CM: None.

g. Record of SV: 23 Oct 96 - 22 Jun 98 Charleston AFB 4 (Initial)
23 Jun 98 - 22 Jun 99 Charleston AFB 1 (Annual)REF



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 437TH AIRLIFT WING (AMCI)

FD2006-00256

5 Aug 99

MEMORANDUM FOR A1C [REDACTED] 437 APS

FROM: 437 APS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance specifically, Irresponsibility in the Management of Personal Finances. The authority for this action is AFI 36-3208, paragraph 5.26.4. 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 4 Jul 97, you wrote a check without sufficient funds in the amount of \$22.09 to the CAFB Commissary. For this conduct, you received a verbal counseling, evidenced by a Memorandum For Record (MFR), dated 12 Aug 97 (Atch 1a).

b. On 9 Jul 97, you wrote a check without sufficient funds in the amount of \$13.45 to the CAFB Commissary. For this conduct, you received a verbal counseling, evidenced by a Memorandum For Record, dated 12 Aug 97 (Atch 1a).

c. Between 12 Aug 97 and 17 Dec 97, you wrote several checks without sufficient funds (amounts unknown) and were repeatedly derelict in the management/annotation of your checkbook. For this conduct, you received a Record of Individual Counseling, dated 17 Dec 99 (Atch 1b) and you were enrolled in a Checkbook Management course.

d. As of 2 Sep 98, you failed to pay your rent on time for two months. Specifically, you were over 30 days delinquent on your rent for Aug 98 and 2 days late for Sep 98. For this conduct, you received a Letter of Reprimand w/atch, dated 8 Sep 98 (Atch 1c), and an Unfavorable Information File (UIF) w/atch, dated 8 Sep 98 (Atch 1d).

e. On 5 Sep 98, you wrote a check without sufficient funds in the amount of \$190.97 to the CAFB Commissary. This fact is evidenced by Defense Commissary Agency Memorandum w/atch, dated 5 Sep 98 (Atch 1e). This conduct was belatedly noted in a Letter of Reprimand, dated 3 May 99 (Atch 1k).

f. On 15 Jan 99, you were evicted from Oakridge Townhouses for failing to pay your rent for three months—which you had still not paid as of 27 Jan 99. Additionally, while moving, you damaged the apartment next to the one you were moving out of and you

also received a traffic ticket (\$348.00) for not having car insurance. These facts are evidenced by Memorandums For Record w/atchs, dated 27 & 28 Jan 99 (Atch 1f).

g. Between 9 Dec 99 and 3 Jun 99, you dishonorably failed to pay a just debt. Specifically, you purchased jewelry (\$1,030.00) in Dec 98 and agreed to pay Consumer Adjustment Company (CAC) via an allotment \$96.00 a month. You started an allotment in Dec 98 and made the first payment on 1 Jan 99, however, on 11 Jan 99 you stopped that allotment and have not made a payment since. In addition, on 26 Mar 99, you lied to CAC about an allotment in place. These facts are evidenced by a Memorandum from Consumer Adjustment Corporation w/atchs, dated 18 Mar 99 (Atch 1g). For this conduct, you received a Letter of Reprimand, dated 3 Jun 99 (Atch 1k).

h. As of 6 Apr 99, you failed to pay a just debt. Specifically, you owed your landlord \$450.00 rent. In addition, you lied to your supervisor about the arrangements you made with the landlord. You informed TSgt[] your supervisor, that you had paid the debt, when in fact, you did not. These facts are evidenced by a Memorandum for Record w/atchs, dated 6 Apr 99 (Atch 1h).

i. On 15 Apr 99, you wrote a check without sufficient funds in the amount of \$75.00 to Amn Boone to repay a loan he made you. This fact is evidenced by a Memorandum, dated 5 Apr 99 (Atch 1i). For this conduct, you received a Letter of Reprimand, dated 3 Jun 99 (Atch 1k).

j. On 26 May 99, you failed to pay a just debt. Specifically, you failed to pay an outstanding past due debt of \$39.00 to DPP. As a result, your DPP account was suspended. This fact is evidenced by a Memorandum from the DPP Service Center, dated 26 May 99 (Atch 1j).

k. On 24 Jun 99, you received a referral "1" rating on your EPR this was a marked decline from your "4" rating on your previous 22 Jun 98 EPR.

3. Copies of the documents 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.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment will be made for you to consult the Area Defense Counsel, 963-4416, Building 503, Room 119 upon issuance of this notification. 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 10 AUG 99 @ 1600 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. You have been scheduled for a separation briefing at Personnel Relocations, Bldg 503, at ~~1000~~ ¹⁴⁰⁰ on ~~5~~ ⁹ Aug 99.
8. You have been scheduled for a medical examination. You must report to 437th Medical Group, Physical Exams at 0730 on ~~5~~ ¹⁰³⁰ Aug 99 for the examination. ¹⁶ ~~16~~
9. Your Transition Assistance Briefing is scheduled at ~~1300~~ ¹⁰³⁰ on ~~4~~ ¹⁶ Aug 99 in the Family Support Center (Bldg 255), with Mr. Wright.
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 at the 437th Aerial Port Squadron Orderly Room.
11. Execute the attached acknowledgment and return it to me immediately.



 Commander

Attachments:

1. Documents Supporting Basis for Discharge
 - a. Memorandum For Record w/atchs, dated 11 Aug 97
 - b. Record of Individual Counseling, dated 17 Dec 97
 - c. Letter of Reprimand, dated 8 Sep 98
 - d. Unfavorable Information File w/atch, dated 8 Sep 98
 - e. Memorandum w/atch, dated 5 Sep 98
 - f. Memorandum For Record w/atchs, dated 27 Jan 99
 - g. Consumer Adjustment Memorandum, w/atchs, dated 18 Mar 99
 - h. Memorandum w/atchs, dated 6 Apr 99
 - i. Memo, dated 5 Apr 99
 - j. Memo, dated 26 May 99
 - k. Letter of Reprimand, dated 3 May 99
2. Other Derogatory Data
 - a. Memorandum w/atchs, dated 16 Jul 97
 - b. Staff Summary Sheet w/atchs, dated 15 Apr 98
 - c. Memo, dated 14 May 99
3. Airman's Receipt of Notification Memo