

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; width: 150px; height: 20px; margin-top: 5px;"></div>		GRADE AB	AFSN/SSAN <div style="border: 1px dashed black; width: 100px; height: 20px; margin-top: 5px;"></div>																	
TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>		COUNSEL		YES	No	X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL										
COUNSEL																				
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MEMBER SITTING			VOTE OF THE BOARD																	
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ISSUES <div style="display: flex; justify-content: space-between;"> A95.00 A01.00 </div>		INDEX NUMBER <div style="text-align: center;">A67.10</div>		EXHIBITS SUBMITTED TO THE BOARD <table border="1" style="width: 100%; border-collapse: collapse;"> <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> </table>			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 21 Feb 2007		CASE NUMBER FD-2006-00280																		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																				
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <div style="border: 1px dashed black; height: 40px; margin-top: 20px;"></div>																				
INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				DATE: 2/23/2007 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-2006-00280

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 is 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 submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15, seven Letters of Reprimand, and a Letter of Counseling for misconduct. The applicant received an Article 15 for failure to pay debts and failure to maintain sufficient funds for payment of checks. He was punished with a reduction in grade to Airman Basic, forfeiture of pay for two months (suspended) and a reprimand. The records also indicated the applicant had additional misconduct and was administratively disciplined for failure to go, financial irresponsibility, failure to obey a lawful order, dereliction of duty, and failure on fifth and final housing inspection. 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

[REDACTED] (Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Holloman AFB, NM on 18 Jun 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Sep 80. Enlmt Age: 20 9/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-42, E-42, G-36, M-33. PAFSC: 3P051 - Security Forces Journeyman. DAS: 7 Jan 02.

b. Prior Sv: (1) AFRes 23 Jun 01 - 18 Jul 01 (26 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Jul 01 for 6 years. Svd: 02 Yrs 11 Mo 00 Das, all AMS.

b. Grade Status: AB - 14 May 04 (Article 15, 14 May 04)
A1C - 17 Sep 01

c. Time Lost: None.

d. Art 15's: (1) 14 May 04, Holloman AFB, NM - Article 134. You, being indebted to Military Star Credit Account in the sum of \$184.22, which amount became due and payable on or about 16 Apr 04, did, dishonorably fail to pay said debt. You, being indebted to Mid-Town Credit in the sum of \$127.45, which amount became due and payable on or about 11 Mar 04, did, from on or about 11 Mar 04 to on or about 27 Apr 04, dishonorably fail to pay said debt. You, did, on or about 6 Apr 04, make and utter to, Mid-Town Credit, a certain check, in words and figures as follows, to wit: \$100.82, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Wells Fargo Bank for payment of such check in full upon its presentment for payment. You, did, on or about 5 Feb 04, make and utter to, Nicks, a certain check, in words and figures as follows, to wit: \$4.94, in payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Wells Fargo Bank for payment of such check in full upon its presentment for payment. Reduction to AB. Forfeiture of \$596 pay per month for 2 months, suspended. Reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 03 MAY 04 - Failure to go on three separate occasions.
LOR, 29 APR 04 - Detained by Alamogordo DPS for speeding, expired registration and suspended drivers license.
LOR, 31 MAR 04 - Financial Irresponsiblity.
LOR, 15 JAN 04 - Failure to obey a lawful order.
LOR, 14 JAN 04 - Financial Irresponsiblity.
LOR, 09 JAN 04 - Failed fifth and final housing inspection.
LOR, 24 DEC 03 - Failure to meet appointment or reschedule this appointment.
LOC, 21 DEC 03 - Dereliction of Duty.

f. CM: None.

- g. Record of SV: 19 Jul 01 - 18 Mar 03 Holloman AFB 3 (Initial)
19 Mar 03 - 18 Mar 04 Holloman AFB 2 (Annual) REF

h. Awards & Decs: AFTR, NDSM.

- i. Stmt of Sv: TMS: (02) Yrs (11) Mos (26) Das
TAMS: (02) Yrs (11) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Jul 06.
(Change Discharge to Honorable.)

NO ISSUES SUBMITTED.

ATCH

None.

22Aug06/day



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 49TH FIGHTER WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

MEMORANDUM FOR AB: _____

21 May 2004

FROM: 49 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5H, paragraph 5.49. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.
2. My reason for this action is:
 - a. You, being indebted to Military Star Credit Account in the sum of \$184.22, which amount became due and payable on or about 16 April 2004, did at or near Holloman Air Force Base, New Mexico, dishonorably fail to pay said debt. You, being indebted to Mid-Town Credit in the sum of \$127.45, which amount became due and payable on or about 11 March 2004, did at or near Holloman Air Force Base, New Mexico, from on or about 11 March 2004 to on or about 27 April 2004, dishonorably fail to pay said debt. You, did at or near Holloman Air Force Base, New Mexico, on or about 6 April 2004, make and utter to, Mid Town Credit, a certain check, in words and figures as follows, to wit: \$100.82, in a payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Wells Fargo Bank for payment of such check in full upon its presentment for payment. You, did at or near Holloman Air Force Base, New Mexico, on or about 5 February 2004, make and utter to, Nicks, a certain check, in words and figures as follows, to wit: \$4.94, in a payment of a debt, and did thereafter dishonorably fail to maintain sufficient funds in the Wells Fargo Bank for payment of such check in full upon its presentment for payment. For your misconduct, you received a Article 15 punishment dated 14 May 2004, consisting of reduction to the grade of Airman Basic, suspended forfeiture of \$596 pay per month for 2 months, and a reprimand. (Atch 1)
 - b. You did, at or near New Mexico, on or about 1 May 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 35. You did, at or near New Mexico, on or about 3 May 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bldg 35. For your misconduct, you received a Letter of Reprimand dated 3 May 2004. (Atch 2)
 - c. Investigation has disclosed that on or about 29 April 2004, at or near Holloman AFB, NM, you were detained by Alamogordo Department of Public Safety for speeding, expired registration, and a suspended driver's license. For your misconduct, you received a Letter of Reprimand dated 29 April 2004. (Atch 3)
 - d. You, being indebted to Otero Federal Credit Union in the excess of \$500 for monthly payment of a car loan, which amount became due, did at or near Alamogordo, NM, from on or about 15 February 2004, dishonorably fail to pay said debt. Furthermore, you, being indebted to Rainbow Credit Center in the sum of \$921.83 for monthly payment of a loan, which amount became due, did at or near Alamogordo, NM, from on or about 15 February 2004, dishonorably fail to pay said debt. For your misconduct, you received a Letter of Reprimand dated 31 March 2004. (Atch 4)

e. You, having knowledge of a lawful order issued by MSgt [redacted] 49 SFS, First Sergeant, to gather a list of your bills and have them broken down by the 1st and the 15th of the month and to have them presented to TSgt [redacted], an order which it was your duty to obey, did at or near Holloman AFB, NM, on or about 9 January 2004, fail to obey the same by not presenting these documents as instructed. For your misconduct, you received a Letter of Reprimand dated 15 January 2004. (Atch 5)

f. You, being indebted to Otero Federal Credit Union in the excess of \$1300 for monthly payment of a car loan, which amount became due, did at or near Alamogordo, NM, between on or about 15 September 2003 and on or about 14 January 2004, dishonorably fail to pay said debt. For your misconduct, you received a Letter of Reprimand dated 14 January 2004. (Atch 6)

g. You, who knew, or should have known of your duties, at or near Holloman AFB, NM, on or about 5 January 2004, were derelict in the performance of those duties in that you failed to maintain your government quarters. For your misconduct, you received a Letter of Reprimand dated 9 January 2004. (Atch 7)

h. You did, at or near New Mexico, on or about 22 December 2003, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Housing Inspection. You, who knew, or should have known of your duties, at or near Holloman AFB, NM, on or about 24 December 2004, were derelict in the performance of those duties in that you failed to maintain your government quarters. For your misconduct, you received a Letter of Reprimand dated 24 December 2003. (Atch 8)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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 and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 [redacted] at Bldg 222, on 21 May 04, at 1300 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 26 May 04 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 in 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 Family Practice Clinic, Family Practice Bldg 15 on 21 May 04, at 1045 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 49 FW/JA.

9. You must execute the attached receipt and return it to me immediately. This receipt does not admit or deny any of the allegations against you, nor does it mean that you agree with the discharge action. It is simply an acknowledgment that you have received this Letter of Notification.



Commander

Attachments:

1. Article 15, 14 May 2004
2. Letter of Reprimand, 3 May 2004
3. Letter of Reprimand, 29 April 2004
4. Letter of Reprimand, 31 March 2004
5. Letter of Reprimand, 15 January 2004
6. Letter of Reprimand, 14 January 2004
7. Letter of Reprimand, 9 January 2004
8. Letter of Reprimand, 24 December 2003