

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>	GRADE AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></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	American Legion	200 N 2nd St Fulton NY 13069
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 A93.11 A93.09 A93.07	INDEX NUMBER A67.30	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 01 Mar 2007	CASE NUMBER FD-2006-00305
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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.

X - Upgrade, Change Reason for Discharge and Change RE Code

INDORSEMENT	DATE: 3/7/2007
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-2006-00305

GENERAL: The applicant appeals for upgrade of discharge to honorable, change reenlistment code and change reason for discharge.

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 contends he was having personal and financial problems which led to his discharge. Since his discharge, he has obtained an Associate Degree in Occupational Studies--Paralegal and would like a second chance to serve in the armed forces. The record indicates the applicant received two Article 15s. The first Article 15 was for wrongful use of his government travel card in the amount of \$500.00 and making a false official statement with intent to deceive. He was punished with a reduction in grade to Airman Basic and 14 days of extra duty. His second Article 15 was for failure to pay debt owed to American Express (government travel card) for cash withdrawals in the sum of \$1027.50. He was punished with a suspended forfeiture of pay (\$100.00 for two months) and 10 days extra duty. The Board recognized that the applicant's personal and financial problems affected his motivation and conduct. Although he was counseled by his First Sergeant and attended finance counseling he was either unwilling or unable to adjust. The Board found the characterization of the discharge, reason for discharge and reenlistment code received by the applicant 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Tyndall AFB, FL on 28 Mar 96 UP AFI 36-3208, para 5.52.3 (Commission of a Serious Offense). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 04 Oct 76. Enlmt Age: 18 8/12. Disch Age: 19 5/12. Educ: HS DIPL. AFQT: N/A. A-76, E-48, G-55, M-27. PAFSC: 2R131 - Maintenance Scheduling Apprentice. DAS: 7 Nov 95.

b. Prior Sv: (1) AFRes 15 Jun 95 - 21 Jun 95 (7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Jun 95 for 4 yrs. Svd: 00 Yrs 09 Mo 08 Das, all AMS.

b. Grade Status: AB - 12 Jan 96 (Article 15, 12 Jan 96)
Amn - 22 Dec 95

c. Time Lost: None.

d. Art 15's: (1) 21 Feb 96, Tyndall AFB, FL - Article 134. You, being indebted to American Express in the sum of \$1,027.50 for cash withdrawals made using a government issued American Express credit card, which amount became due and payable on or about 22 Dec 95, did, from on or about 9 Feb 96, to on or about 12 Feb 96, dishonorably fail to pay said debt. Suspended forfeiture of \$100.00 pay per month for 2 months. Ten days extra duty. (No appeal) (No mitigation)

(2) 12 Jan 96, Tyndall AFB, FL - Article 92. You did, at or near Callaway, Florida, on or about 9 Dec 95, violate a lawful general regulation to wit: AFI 65-104, paragraph 25.1, by wrongfully using a Government authorized American Express credit card in an amount of \$500.00 for other than official travel. Article 107. You did, at or near Tyndall AFB, Florida, on or about 18 Dec 95, with intent to deceive, make to MSgt [REDACTED], an official statement, to wit: "I lost my wallet at a Chinese restaurant with the AMEX card in it," or words to that effect, which statement was totally false, and was then known by you to be so false. Reduction to AB, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (00) Yrs (09) Mos (14) Das
TAMS: (00) Yrs (09) Mos (08) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 09 Aug 06.
(Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Two Character References.
3. DD Form 214.
4. VA Forms 21-22.

12OCT06/ia

FD 2006-00305
CHRISTOPHER
077-20-856

July 10, 2006

To Whom It May Concern:

I am writing this letter to respectfully request that the Board consider my petition for an upgrade in my discharge status, from "General under Honorable" to "Honorable". With that I am asking that my Re-entry code be changed to coincide with the change in discharge status.

In May of 1995 I signed up to join the Air Force. In June I went to basic training. After Tech-school I was stationed at Tyndall AFB, and that's where the incidents that led to my discharge began. We were issued Government Amex cards and one day I was informed by my 1st Sgt, that I had a balance on mine and she wanted to know why. I informed her that I never received the card, and subsequently called my wife to verify that we never received it. I was then sent down to fill out a police report to that fact which I did, and after an investigation by the SP's it was determined that my wife did in fact use the card with out my knowledge and as a result I was disciplined by receiving loss in rank and 30 days extra duty. In January 1996, the same day that I got my wisdom teeth pulled, my wife and I had an argument which led to her leaving the house to go shopping. About five to ten minutes later, the police were knocking at my door saying that my wife claims that during the course of the argument I punched her and slapped her face and threw her against the wall. So I was arrested for spousal abuse. The next day after being released, I called my Sgt to come and get me. He took me to my 1st Sgt's office and as we were waiting to enter, my 1st Sgt and my wife both appeared coming out of the office, and both had been crying. I went into the office and try to explain what happened and she would have none of it. She told me that she had heard her side and that I was a liar and at that point I didn't say another word. She, my 1st Sgt, restricted me to base and my wife moved back to Texas. Not long after that I was informed that I was going to be disinclined my the AF, even though the charges were dropped by the state against me because my wife wrote a letter to the States Attorney and said she made the whole thing up and that she just needed me out of the house so she could have an "affair" with a man we both knew. I received an Article 15 in March of 1996.

It has been ten years since then and I am now married to a different lady and have a family. I am also a college graduate, receiving an Associates Degree in Occupational Studies (Paralegal) and the calling on my life to serve my country is greater than ever. I was young back then and maybe I made wrong decisions with regards to getting married and trusting my wife, but I took the consequences that came with those actions and am simply asking for a second chance to serve my country during this difficult time in our history. I thank you for your consideration of this petition.

Thank you.

[Redacted signature box]



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2006-00305

15 MAR 1996

MEMORANDUM FOR AB: [REDACTED] 1 FS

FROM: 1 FS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for the commission of serious offenses, according to AFDP 36-32 and under the provisions of AFI 36-3208, paragraph 5.52.3. 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 reason for this action is your commission of serious offenses. Specifically:

a. You did, on or about 9 December 1995, violate a lawful general regulation, to wit: Air Force Instruction 65-104, paragraph 25.1, by wrongfully using a Government authorized American Express credit card in an amount of \$500.00 for other than official travel. Additionally, you did, on or about 18 December 1995, with intent to deceive, make to your first sergeant, an official statement, to wit: "I lost my wallet at a Chinese restaurant with the AMEX card in it," or words to that effect, which statement was totally false, and was then known by you to be so false. Consequently, for these two incidents combined, you received an Article 15, finalized on 18 January 1996, with a punishment consisting of a reduction to the grade of airman basic, with a new date of rank of 12 January 1996, and 14 days extra duty (Atch 1-1).

b. You, being indebted to American Express in the sum of approximately \$1,027.50 for cash withdrawals made using a government issued American Express credit card, which amount became due and payable on or about 22 December 1995, did, from on or about 9 February 1996, to on or about 12 February 1996, dishonorably fail to pay said debt. As a result of this misconduct, you received a second Article 15, finalized on 7 March 1996, with a punishment consisting of a suspended forfeiture of \$100.00 pay per month for two months and 10 days extra duty (Atch 1-2).

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. If you are discharged, you will be ineligible for re-enlistment in the Air Force.

3. You have the right to consult counsel. I have made an appointment for you to consult military legal counsel at Bldg 1005 on 15 MAR 96 at 1100 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a preliminary appointment with the 325 MSS Relocations Section. You must report to building 662, room 216 on 18 MAR 96 at 1015 hours.
7. 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 orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

[Redacted Signature Box]

Commander

Attachments:

- 1-1. Article 15, 18 Jan 96
- 1-2. Article 15, 7 Mar 96
2. Acknowledgment Memorandum