

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	<b>GRADE</b> <b>AB</b>	<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> <b>A95.00</b> <b>A01.00</b>	<b>INDEX NUMBER</b> <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE IIE

<b>HEARING DATE</b> <b>20 Feb 2007</b>	<b>CASE NUMBER</b> <b>FD-2006-00317</b>	
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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.

<b>INDORSEMENT</b>	<b>DATE: 2/20/2007</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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**

**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 applicant had received two Article 15's and a Letter of Reprimand for misconduct. His first Article 15 was for failure to obey a no-contact order. He was reduced in grade to Airman Basic with reduction below Airman suspended, restricted to Luke AFB for 45 days, and 30 days of extra duty. His second Article 15 was for signing an official statement with intent to deceive and writing checks with insufficient funds. He was punished with a reduction in grade to Airman Basic, 45 days extra duty and a reprimand. He was also administratively disciplined with a Letter of Reprimand for dereliction of duty. 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Luke AFB, AZ on 26 Aug 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Feb 83. Enlmt Age: 19 1/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-76, E-70, G-72, M-81. PAFSC: 2A353B - Tactical Aircraft Maintenance Journeyman. DAS: 10 Apr 03.

b. Prior Sv: (1) AFRes 25 Apr 02 - 22 Jul 02 (2 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Jul 02 for 6 yrs. Svd: 03 Yrs 01 Mo 04 Das, all AMS.

b. Grade Status: AB - 28 Jul 05 (Article 15, 28 Jul 05)  
A1C - 22 Mar 05  
Amn - 06 Nov 03 (Article 15, 6 Nov 03)  
A1C - 06 Sep 02

c. Time Lost: None.

d. Art 15's: (1) 28 Jul 05, Luke AFB, AZ - Article 107. You did, at or near Luke Air Force Base, Arizona, on or about 18 May 2005, with intent to deceive, sign an official record, to wit: an affidavit, which record was false in that your permanent checks were not in your car when your car was stolen, and you were the person writing the checks, and was then known by you to be so false. Article 134. You did, at or near Phoenix, Arizona, on or about 3 May 2005, make and utter to Villa de Paz a certain check, in words and figures as follows, to wit: Check Number 1099 Amount \$627.00 for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in Credit Union West for payment of such check in full upon its presentment for payment. You did, at or near Phoenix, Arizona, on divers occasions between on or about 3 May 2005 and on or about 10 May 2005, make and utter to Fry's certain checks, in words and figures as follows, to wit: Check Number 1100, Amount \$95.11, Check Number 1104, Amount \$30.23, Check Number 1106, Amount \$51.15, Check Number 1107 Amount \$78.71, for the purpose of purchasing merchandise, and did thereafter dishonorably fail to maintain sufficient funds in Credit

Union West for payment of such checks in full upon its presentment for payment. You did, at or near Phoenix, Arizona, on or about 6 May 2005, make and utter to Gordon's a certain check, in words and figures as follows, to wit: Check Number 1101 Amount \$20.00, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in Credit Union West for payment of such check in full upon its presentment for payment. You did, at or near Phoenix, Arizona, on or about 7 May 2005, make and utter to Alitell a certain check, in words and figures as follows, to wit: Check Number 1103 Amount \$100.00 for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in Credit Union West for payment of such check in full upon its presentment for payment. You did, at or near Phoenix, Arizona, on or about 7 May 2005, make and utter to Auto Zone a certain check, in words and figures as follows, to wit: Check Number 1105 Amount \$107.69 for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in Credit Union West for payment of such check in full upon its presentment for payment. You did, at or near Phoenix, Arizona, on or about 7 May 2005, make and utter to SRP a certain check, in words and figures as follows, to wit: Check Number 1102 Amount \$121.65 for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in Credit Union West for payment of such check in full upon its presentment for payment. Reduction to AB. Forty-five days extra duty and a Reprimand. (No appeal) (No mitigation)

- (2) 06 Nov 03, Luke AFB, AZ - Article 92. You, having knowledge of a lawful order issued by First Sergeant, 56th Aircraft Maintenance Squadron, Master Sergeant [redacted] V. Blue not to have verbal, non-verbal, or written contact with Mrs. [redacted] or any members of her family, an order which it was your duty to obey, did at or near Goodyear, Arizona, on divers occasions between on or about 4 October 2003 and on or about 19 October 2003, fail to obey the same by leaving voice mail messages on Mrs. [redacted] cell phone, contacting her daughter over the phone and meeting with Mrs. [redacted] in the Wal-Mart parking lot. Reduction to AB, with reduction below Amn suspended. Restriction to the limits of Luke Air Force Base, Arizona for 45 days. Thirty days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 11 MAY 04 - Dereliction of duty.

f. CM: None.

g. Record of SV: 23 Jul 02 - 22 Mar 04 Luke AFB 4 (Initial)REF  
23 Mar 04 - 22 Mar 05 Luke AFB 5 (Annual)

h. Awards & Decs: NDSM, AFTR, AFOUA, GWOTSM.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (02) Das  
TAMS: (03) Yrs (01) Mos (04) Das

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

NO ISSUES SUBMITTED.

ATCH  
None.

08SEP06/ia



DEPARTMENT OF THE AIR FORCE  
56TH AIRCRAFT MAINTENANCE SQUADRON  
LUKE AFB, ARIZONA 85309

FD 2006-00317

8/11/05

MEMORANDUM FOR AB: \_\_\_\_\_

FROM: 56 AMXS/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, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reason for this action is:

(a) You, having knowledge of a lawful order issued by Master Sergeant \_\_\_\_\_ V \_\_\_\_\_ not to have verbal, non-verbal, or written contact with Mrs. \_\_\_\_\_ or any members of her family, an order which it was your duty to obey, on divers occasions between on or about 4 Oct 03 and on or about 19 Oct 03, fail to obey the same by leaving voice mail messages on Mrs. \_\_\_\_\_ cell phone, contacting her daughter over the phone and meeting with Mrs. \_\_\_\_\_ in the Wal-Mart parking lot. For this misconduct, you received an Article 15 dated 6 Nov 03. Your punishment included a suspended reduction in rank to the grade of E-2, restriction to the limits of Luke Air Force Base, Arizona for 45 days and 30 days extra duty. This action established an Unfavorable Information File (UIF). (Tab 7A)

(b) On or about 16 Jan 04, at or near Luke Air Force Base, Arizona, you performed duties as a team member during an alternate/emergency landing gear operation check on aircraft 83-1184 when you were not qualified to perform this task. For this misconduct, you received a Letter of Reprimand, dated 11 May 04. This action was filed in your existing UIF. (Tab 7B)

(c) You did, at or near Luke Air Force Base, Arizona, on or about 18 May 2005, make and utter to Villa de Paz a certain check, Check number 1099 in the amount of \$627.00, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the Credit Union West for the payment of such check in full upon its presentment for payment. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)

(d) You did, at or near Luke Air Force Base, Arizona, between on or about 3 May 2005 and on or about 10 May 2005, make and utter to Fry's a certain check, in words and figures as follows, to wit: Check number 1100 in the amount of \$95.11, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the Credit Union West for the payment of such check in full upon its presentment for payment. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)

- (e) You did, at or near Luke Air Force Base, Arizona, between on or about 3 May 2005 and on or about 10 May 2005, make and utter to Fry's a certain check to wit: Check number 1104 in the amount of \$30.23, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the Credit Union West for the payment of such check in full upon its presentment for payment. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)
- (f) You did, at or near Luke Air Force Base, Arizona, between on or about 3 May 2005 and on or about 10 May 2005, make and utter to Fry's a certain check, to wit: Check number 1106 in the amount of \$51.15, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the Credit Union West for the payment of such check in full upon its presentment for payment. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)
- (g) You did, at or near Luke Air Force Base, Arizona, between on or about 3 May 2005 and on or about 10 May 2005, make and utter to Fry's a certain check, to wit: Check number 1107 in the amount of \$78.71, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the Credit Union West for the payment of such check in full upon its presentment for payment. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)
- (h) You did, at or near Luke Air Force Base, Arizona, on or about 6 May 2005, make and utter to Gordon's a certain check, to wit: Check number 1101 in the amount of \$20.00, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the Credit Union West for the payment of such check in full upon its presentment for payment. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)
- (i) You did, at or near Luke Air Force Base, Arizona, on or about 7 May 2005, make and utter to Alltell a certain check, to wit: Check number 1103 in the amount of \$100.00, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the Credit Union West for the payment of such check in full upon its presentment for payment. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)
- (j) You did, at or near Luke Air Force Base, Arizona, on or about 7 May 2005, make and utter to Autozone a certain check, to wit: Check number 1105 in the amount of \$107.69, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the Credit Union West for the payment of such check in full upon its presentment for payment. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a

reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)

(k) You did, at or near Luke Air Force Base, Arizona, on or about 7 May 2005, make and utter to SRP a certain check, to wit: Check number 1102 in the amount of \$121.65, for the purpose of services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the Credit Union West for the payment of such check in full upon its presentment for payment. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)

(l) You did, at or near Luke Air Force Base, Arizona, with intent to deceive, sign an official record, to wit: an affidavit, which you falsely stated that your permanent checks were not in your car when your car was stolen, and you were the person writing the checks, and you knew that statement to be false. For this misconduct, you received an Article 15, dated 28 Jul 05. Your punishment included a reduction in rank to the grade of E-1, 45 days extra duty, and a reprimand. This action was filed in your existing UIF. (Tab 7C)


Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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.

3. 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: \_\_\_\_\_ at 7383 N. Litchfield Rd., Bldg. 1150, ext 6701, on 12 Aug 05, at 780 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 by 16 Aug 05, which is three duty days from the date of this letter, 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 must report to 56th Medical Group, for a medical examination. You must retrieve your medical records from 56th Medical Group Hospital Outpatient Records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this discharge file for the medical examination.



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 at your unit's orderly room.

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

  
Commander

**Attachments:**

1. Supporting Documents
2. Receipt of Notification Memorandum