

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____ | GRADE AIC | AFSN/SSAN _____ |
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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 |
| _____ _____ _____ _____ _____ | | | | | X** |
| | | | | | X** |
| | | | | | X** |
| | | | | | X** |
| | | | | | X** |

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| HEARING DATE 20 Mar 2007 | CASE NUMBER FD-2006-00378 | |
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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

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| _____ | DATE: 3/22/2007 |
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| ENDORSEMENT 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 |
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00378

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 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 applicant admits that he was immature and made mistakes while in the Air Force. He has expressed a desire for upgrade of his discharge to qualify for reenlistment with the armed forces. 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, four Letters of Reprimand, and a Letter of Counseling for misconduct. He received an Article 15 for writing a check for his rent deposit and failed to maintain sufficient funds in his checking account. He was punished with a reduction in grade to Airman First Class. He was administratively disciplined for financial irresponsibility, assaulting a fellow Airman and a traffic ticket. 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Howard AFB, Panama on 24 Apr 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 6 Aug 73. Enlmt Age: 17 10/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-58, E-54, G-44, M-41. PAFSC: 3E751 - Fire Protection Journeyman. DAS: 8 Sep 95.

b. Prior Sv: (1) AFRes 6 Jun 91 - 16 Mar 92 (9 months 11 days) (Inactive).

(2) Enlisted as AB 17 Mar 92 for 4 yrs. Extended 29 Jun 94 for 20 months. Svd: 03 Yrs 4 Months 11 Days, all AMS. AMN - 17 Sep 92. A1C - 17 Jul 93. SrA - 17 Mar 95. EPRs: 4,3,3.

ART 15: 17 Jan 95, Davis-Monthan AFB, AZ - Article 86. You did, on or about 5 Jan 95, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 680. Fifteen days extra duty. (No appeal) (No mitigation).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as SrA 28 Jul 95 for 4 yrs. Extended 20 May 96 for 2 months. Svd: 01 Yrs 08 Mo 27 Das, all AMS.

b. Grade Status: A1C - 22 Oct 96 (Article 15, 22 Oct 96)

c. Time Lost: None.

d. Art 15's: (1) 22 Oct 96, Howard AFB, Panama - Article 92. You, did, on or about 10 May 96, make and utter to [redacted], your landlord, a certain check in words and figures as follows, to wit: check number 1311 in the amount of \$900.00, for the purpose of paying the deposit on your rental house, and did thereafter dishonorably fail to maintain sufficient funds in the Bank of America for payment of such check in full upon its presentment for payment. Reduction to A1C. (Appeal/Denied) (No mitigation)

e. Additional: LOR/UIF, 31 MAR 97 - Financial irresponsibility.
LOR/UIF, 22 OCT 96 - Financial irresponsibility.
LOR, 12 JUL 96 - Financial irresponsibility.

LOR, 06 JUN 96 - Assaulting a fellow Airman.
LOC, 16 FEB 96 - Traffic ticket for failure to stop at a
stop sign.

f. CM: None.

g. Record of SV: 22 Jul 95 - 21 Jul 96 Howard AFB 2 (Annual)REF

h. Awards & Decs: AFLSAR, AFTR, SWASM, AFOUA, AFOSLTR.

i. Stmt of Sv: TMS: (05) Yrs (10) Mos (19) Das
TAMS: (05) Yrs (01) Mos (08) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Forms 214 (Member 1&4).
3. DD 256AF, Honorable Discharge.

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| APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i> | | Form Approved OMB No. 0704-0004 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE. | | |
| 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 <i>(The person whose discharge is to be reviewed).</i> PLEASE PRINT OR TYPE INFORMATION. | | |
| a. BRANCH OF SERVICE <i>(X one)</i> | | AIR FORCE <input checked="" type="checkbox"/> |
| b. NAME <i>(Last - First - Middle Initial)</i> | | c. GRADE/RANK AT DISCHARGE E-3 |
| d. SOCIAL SECURITY NUMBER | | |
| 2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i> 1997 Apr 24 | | 4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i> |
| 3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 24 CES APOAA 3400 (ACC) | | 5. BOARD ACTION REQUESTED <i>(X one)</i> |
| 6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST <i>(Continue in Item 14. See Instructions on Page 3.)</i> | | CHANGE TO HONORABLE <input checked="" type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i> CHANGE NARRATIVE REASON FOR SEPARATION TO: |
| I am seeking an upgrade of my discharge because I am currently seeking to reenlist in the Air Force. I successfully completed a 4 year service term and was allowed to reenlist subsequently after my reenlistment approx 1 year later | | |
| 7. <i>(X if applicable)</i> AN APPLICATION WAS PREVIOUSLY SUBMITTED ON <i>(YYYYMMDD)</i> _____ 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: <i>(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)</i> | | |
| 9. TYPE OF REVIEW REQUESTED <i>(X one)</i> | | |
| <input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR <i>(counsel/representative)</i> WILL NOT APPEAR BEFORE THE BOARD. | | |
| <input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA. | | |
| <input type="checkbox"/> I AND/OR <i>(counsel/representative)</i> WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO <i>(enter city and state)</i> _____ <i>(NOTE: The Navy Discharge Review Board does not have a traveling panel.)</i> | | |
| 10. a. COUNSEL/REPRESENTATIVE <i>(if any)</i> NAME <i>(Last, First, Middle Initial)</i> AND ADDRESS <i>(See Item 10 of the instructions about counsel/representative.)</i> | | b. TELEPHONE NUMBER <i>(Include Area Code)</i> |
| | | c. E-MAIL |
| | | d. FAX NUMBER <i>(Include Area Code)</i> |
| 11. APPLICANT MUST SIGN IN ITEM 11a. 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 and relationship by marking a box below. | | |
| SPOUSE <input type="checkbox"/> WIDOW <input checked="" type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER <i>(Specify)</i> | | |
| 12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE <i>(Forward notification of any change in address.)</i> | | b. TELEPHONE NUMBER <i>(Include Area Code)</i> |
| | | c. E-MAIL |
| | | d. FAX NUMBER <i>(Include Area Code)</i> |
| 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. <i>(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.)</i> | | CASE NUMBER <i>(Do not write in this space.)</i> FD2006-00378 |
| a. _____ <i>(11 above)</i> | | b. DATE SIGNED - REQUIRED <i>(YYYYMMDD)</i> 9/7/06 |

14. CONTINUATION OF ITEM 6, ISSUES (If applicable) I was issued and Honorable Discharge Certificate followed by a DD Form 214. in which the character of service was listed as Under Honorable Condition (General) and a (2B) as a reenery code I am currently trying to re-establish my life goal and career as a service member. Also a correction on my separation code as well.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)
 a copy of DD Form 214
 a copy of Honorable Discharge certificate

16. REMARKS (If applicable)
 I served from Mar 92 - Apr 97 I + would appear to me that some error took place in the processing or outprocessing of my records and information. Sir or Ma'am I am under the common knowledge that your military discharge codes, and any applicable information. Is issued upon a complete review of military service. Not 1 or 2 Isolate circumstance of life. Sir or Ma'am I believe the Air Force gave me an excellent opportunity not just to serve my country But to further myself as well. In Retrospect I was 22-23 year of age young + unrealistic of my full potential and also not fully understanding of what it actually meant to call myself a service member, Now at age 38. I am much smarter and wise in the ways of life, attitude. and dedication and what it means to succeed. I would like another chance to prove I am worthy of military services

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

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| <p>ARMY</p> <p>Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)</p> | <p>NAVY AND MARINE CORPS</p> <p>Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p> |
| <p>AIR FORCE</p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p> | <p>COAST GUARD</p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p> |



FD 2006-00378

DEPARTMENT OF THE AIR FORCE
24TH CIVIL ENGINEER SQUADRON (ACC)
HOWARD AIR FORCE BASE, PANAMA

03 APR 1997

MEMORANDUM FOR A1C: [REDACTED]

FROM: CC

SUBJECT: Notification Letter - Processing According to AFI 36-3208

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions according to AFPD 36-32 and AFI 36-3208 under the provisions of 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 reasons for this action are as follows:

a. You did, on or about 26 April 1996 issue a check to the Albrook Club in the amount of \$200.00, and failed to maintain sufficient funds in your account to pay said check. You also, on or about 6 June 1996, issued two checks to the Howard Enlisted Club totaling \$239.00, and failed to maintain sufficient funds in your account to pay said checks. Further, you failed to make payments on just debts in accordance with a payment agreement which you and the NAF Financial Management Officer agreed to, and you dishonorably failed to pay just debts to wit: repayment of returned checks. As a result of your misconduct, you received a Letter of Reprimand, dated 31 March 1997.

b. You did, between on or about 17 August 1996 and 22 October 1996, dishonorably fail to pay just debts by not paying your rent due to Ms. [REDACTED]. As a result of your misconduct, you received a Letter of Reprimand, dated 22 October 1996.

c. You did, on or about 10 May 1996, make and utter to [REDACTED], your landlord, a certain check in words and figures as follows, to wit: check number 1311 in the amount of \$900.00, for the purpose of paying the deposit on your rental house, and did thereafter dishonorably fail to maintain sufficient funds in the Bank of America for payment of such check in full upon its presentment for payment. On 12 July 1996, you received a Letter of Reprimand for dishonorable failure to maintain sufficient funds for payment of such check. After almost three months, you still had not presented funds to pay for this check. As a result of your misconduct, you received an Article 15, dated 7 October 1996, with punishment consisting of reduction to the grade of airman first class.

d. You did, on or about 1 June 1996, assault a fellow airman. As a result of your misconduct, you received a Letter of Reprimand, dated 6 June 1996.

Global Power for America

e. You did, on or about 1 December 1995, receive a traffic violation for failure to stop at a stop sign. As a result of your misconduct, you received a Letter of Counseling, dated 16 February 1996.

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. I have made an appointment for you to consult Captain: [redacted] at Bldg 88, Rodman NS on 4 April 1997 at 0900 hours. Captain: [redacted] may be reached by phone at 283-3610. 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 8 Apr 97 (three workdays) 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 the Howard AFB Flight Medicine at building 218, on 7 April 1997 at 0800 hours for the examination. You must be in a military uniform and have your glasses if you wear them.

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 the Area Defense Counsel's Office, Bldg 88, Rodman NS, Panama.

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

[redacted signature]

Commander

Attachments:

1. AF Form 1137, UIF Summary Sheet
2. AF Form 1058, Unfavorable Information File Action, dtd 31 Mar 97
3. LOR dtd 31 Mar 97
4. AF Form 1058, Unfavorable Information File Action, dtd 22 Oct 96
5. LOR dtd 22 Oct 96
6. AF Form 3070 (Article 15) dtd 7 Oct 96
7. LOR dtd 12 Jul 96
8. LOR dtd 6 Jun 96
9. LOC dtd 16 Feb 96