

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE SRA	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

ISSUES A94.05	INDEX NUMBER A47.00	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 24 May 2007	CASE NUMBER FD-2006-00379
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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.

INDORSEMENT		DATE: 5/29/2007
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

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 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:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He admits that he had past financial problems that no longer exist. The records indicated the applicant failed to maintain readiness due to failure to meet his financial obligations. A Suitability Determination Report for his security clearance was submitted to his commander for review. The report indicated the applicant had filed bankruptcy, was not current on his bills and had plans to file for bankruptcy again. His failure to maintain financial obligations made him unsuitable for continued service. The Board concluded the applicant's 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr ANG NAS JRB Carswell Field, TX on 28 Feb 06 UP AFI 36-3209, para 3.18.7 (Substandard Performance - Readiness). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Jan 65. Enlmt Age: 23 5/12. Disch Age: 41 1/12. Educ: HS DIPL. AFQT: N/A. A-37, E-22, G-42, M-29. PAFSC: 2T05 - Traffic Management Office Apprentice. DAS: 28 Sep 00.

b. Prior Sv: (1) ARNG 23 Jun 88 - 20 Sep 89. Svd: 1 yr 2 months 28 days, of which AMS is 3 months 22 days.

(2) Enlisted ANG as AB 21 Sep 89 for 6 yrs. Svd: 7 months 12 days (Inactive).

(3) Enlisted US Army 5 Jan 94. Svd: 2 yrs 8 months 28 days, all AMS. SPC (E-4) - 01 Dec 95.

3. **SERVICE UNDER REVIEW:**

a. Enlisted ANG as SrA 28 Sep 00 for 6 yrs. Svd: 05 Yrs 05 Mo 01 Das, of which AMS is 3 months 26 days.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFRESM, ARFMS, HSM, NDSM W/1 DEV, ASR, AFTR, JMUA.

i. Stmt of Sv: TMS: (10) Yrs (00) Mos (10) Das
TAMS: (03) Yrs (04) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Sep 06.
(Change Discharge to Honorable)

Issue 1: I was force (sic) to separate (sic) for past financial reason that happen in the mid 90s, I have since not had any financial problems, and would like discharge changed to "Honerable" (sic).

Issue 2: I disagree with me being discharged because the financial problems I had was in the past, when I was in the U.S. Army. I am no longer having any financial problems, and wish to have my discharge changed to Honorable (sic) discharged. Please let me know what I need to do to make this happen.

ATCH

1. Discharge Order.
2. Conditional Waiver.

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FDZ

DEPARTMENT OF THE AIR FORCE

HQ 136th AIRLIFT WING (AMC) (TXANG)
200 HENSLEY AVENUE, CARSWELL FIELD
FORT WORTH, TEXAS 76127-1675

24 September 2005

MEMORANDUM FOR: 136 MSF/DPMPE

FROM: 136 AW/JA

SUBJECT: ADMINISTRATIVE DISCHARGE PACKAGE OF SrA: [REDACTED]
[REDACTED]

1. I have reviewed the subject discharge package and find it legally sufficient to support the recommended action to be taken regarding SrA [REDACTED]. The action is based upon failure to maintain readiness as evidenced by failure to meet his financial obligations pursuant to AFI 36-3209, Chapter 3, Paragraph 3.18.7. The Letter of Notification was sent to the member on 26 June 2005. The member acknowledged receipt on 26 June 2005.
2. The file contains evidence of a CSC security clearance analysis. The analysis indicates that the member has a financial status that makes him unsuitable for continued service. The Respondent did not provide matters in his own defense. The Commander has recommended in his 23 August 2005 report that the member receive a general conditions discharge. I concur in that recommendation.

[REDACTED]

Staff Judge Advocate

PD2006-00379



DEPARTMENT OF THE AIR FORCE
HQ 136TH AIRLIFT WING (AMC) (ANG)
FORT WORTH, TX

26 June 2005

MEMORANDUM FOR [REDACTED]

FROM: 136 LRS/CC

SUBJECT: Letter of Notification for Involuntary Discharge

1. I am recommending your discharge from the Texas Air National Guard and as a Reserve of the Air Force for Failure to Maintain Readiness in accordance with AFI 36-3209, chapter 3, paragraph 3.18.7.
2. My specific reason for this action is your failure to meet financial obligations, and unwillingness to payoff the debts listed on attachment 7.
3. I am recommending you receive a General Discharge (Under Honorable Conditions). The Adjutant General of Texas is the discharge authority for this action.
4. You must execute and return within 24 hours after receipt an attached acknowledgement of receipt of this letter and attachments (Attach 1)
5. You are entitled to:
 - a. Consult legal counsel. Military legal counsel can be obtained by contacting Major [REDACTED] at his civilian employment at (817) 882-2132. You may also consult civilian counsel at your own expense or request military counsel of your choice if such counsel is serving in an active status in any branch of the U. S. armed forces and is reasonably available. (Attach 2)
 - b. Submit, at any time, any statements or documents to be considered in the disposition of the case (Attach 3). The request for, or waiver of, board hearing does not affect your right to submit such statements or documents at any time.
 - c. An administrative discharge board hearing (Attach 4)
 - d. You may waive your right to legal counsel and the submission of a statement or documents in your behalf, as well as the right to an administrative discharge board hearing. Consult with counsel before you make this decision. You have 15 days (30 days if in civil confinement) to return an Unconditional or Conditional Waiver showing the decision you have made on each of the rights in the above paragraphs. (Attach 5 & 6)

[Handwritten mark]

- e. Request an extension of time to reply. You or your legal counsel must submit a written request for such delay, stating the reasons and how much time is needed. The decision whether to grant the additional time is discretionary with the appropriate authority.
- f. In accordance with AFI 36-3209, para 4.12.2.1, members who **RECEIVED ADVANCED EDUCATIONAL ASSISTANCE MONEYS OR SPECIAL PAY OR BONUS** may be required to repay the US for these moneys under the authority of Title 10 U.S.C., Section 2005. Although this paragraph is only listed under the officer section, it does pertain to enlisted individuals as well.
6. Failure to acknowledge receipt (Attach 1) or to respond regarding selection of rights within 15 days (30 days if in civil confinement) after receipt of the Letter of Notification (LON) constitutes a waiver of all rights. As a result, you will receive no further notice and the case will be processed based on the information available.



Commander, 136 NRS/CC

Attachments:

1. Acknowledgement of Receipt of Notice of Involuntary Discharge Processing
2. Right to Counsel
3. Privacy Act Advisory
4. Request for an Administrative Discharge Board Hearing
5. Unconditional Waiver
6. Conditional Waiver
7. Support Documentation