

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%;"></div>	GRADE SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE UOTH	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
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A92.35 A94.05	INDEX NUMBER A67.30	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	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 HEARING
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HEARING DATE 15 Mar 2007	CASE NUMBER FD-2006-00422	
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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.

INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 3/15/2007 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00422

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.

ISSUES:

Issue 1. The applicant contends her discharge was inequitable because it was too harsh and based on one isolated incident. The records indicated the applicant received an Article 15 for misconduct. The misconduct included attempting to steal money from Bank of America by applying for a credit card in another noncommissioned officer's name and by using another non-commissioned officer's social security number to apply for a loan on-line through Bank of America. 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.

Issue 2. Applicant states that her discharge did not take into account the good things she did while in the service. The DRB took note of the applicant's duty performance as documented by her performance reports and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF Hurlburt Field, FL on 5 Oct 06 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 Jul 74. Enlmt Age: 26 9/12. Disch Age: 32 2/12. Educ: HS DIPL. AFQT: N/A. A-69, E-52, G-57, M-47. PAFSC: 6F051 - Financial Management & Comptroller Journeyman. DAS: 10 Jun 04.

b. Prior Sv: (1) AFRes 21 May 01 - 04 Sep 01 (3 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 5 Sep 01 for 6 years. Svd: 05 Yrs 01 Mo 01 Das, all AMS.

b. Grade Status: SrA - 30 Aug 06 (Article 15, 30 Aug 06)
SSgt - 1 Aug 05

c. Time Lost: None.

d. Art 15's: (1) 30 Aug 06, Hurlburt Field, FL - Article 80. You, did, on or about 8 May 06, attempt to steal money from the Bank of America as evidenced by your wrongfully applying for a credit card in SSgt [redacted] name. Article 134. You, did, on or about 8 May 06, willfully and fraudulently use the personal identification information of SSgt [redacted] without first obtaining SSgt [redacted] consent, by memorizing her social security number and applying for a loan on-line through Bank of America using the said SSgt [redacted] name, social security number and your address, such conduct being of a nature to bring discredit upon the armed forces and or under the circumstances, was to the prejudice of good order and discipline. Reduction to SrA. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 05 Sep 01 - 15 Apr 03 McGuire AFB 4 (HAF DIR)
16 Apr 03 - 29 Feb 04 McGuire AFB 5 (CRO)
01 Mar 04 - 28 Feb 05 Hurlburt FLD 5 (Annual)

01 Mar 05 - 28 Feb 06 Hurlburt FLD 5 (Annual)

h. Awards & Decs: NDSM, AFTR, GWOTSM, NCOPMER, AFLSA, AFOUA W/V, W/1 OLC, AFGCM.

i. Stmt of Sv: TMS: (05) Yrs (04) Mos (15) Das
TAMS: (05) Yrs (01) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Nov 06.
(Change Discharge to Honorable.)

Issue 1: My discharge was inquitabile (sic) because it was based on one isolated incident during my 5 years of honorable service where no other adverse action had been taken.

Issue 2: This discharge was improper because it gives a misleading impression of my credibility to future employers.

Issue 3: I served with honor my entire service time except for the inexcusable lapse in judgement that resulted in my administrative discharge. My characterization should not be based on one incident on an otherwise flawless record/history. I am unable to serve my country, but I still have a family to take care of. This characterization has hindered my ability to receive any future jobs working with the government. I am an honorable person who made a mistake. My issue has been listed above. I thank you for your time and consideration in this matter.

ATCH

1. Article 15 with response.
2. Character letters.
3. Notification letter with response.
4. Graduation notification letter.
5. Congratulatory letter.
6. EPRs.
7. DD Form 214.
8. Request for copy of records.



**DEPARTMENT OF THE AIR FORCE
16TH SPECIAL OPERATIONS WING (AFSOC)
HURLBURT FIELD FLORIDA**

SEP 07 2006

MEMORANDUM FOR SRA [REDACTED] 16 CPTS

FROM: 16 CPTS/CC

SUBJECT: Notification Memorandum -- Board Hearing

1. I am recommending your discharge from the United States Air Force for Misconduct: Commission of a Serious Offense. The authority for this action is AFPD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen* chapter 5, paragraphs 5.52. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is:

a. On or about 8 May 06, at or near Hurlburt Field, Florida, you attempted to steal money from Bank of America, as evidenced by wrongfully applying for a credit card in Staff Sergeant [REDACTED] name.


b. On or about 8 May 06, at or near Hurlburt Field, Florida, you willfully and fraudulently used the personal identification information of Staff Sergeant [REDACTED] without first obtaining Staff Sergeant [REDACTED] consent, by memorizing her social security number, and applying for a loan on-line through Bank of America using the said Staff Sergeant [REDACTED] name, social security number and your address, such conduct being of a nature to bring discredit upon the armed forces and, or, under the circumstances, was to the prejudice of good order and discipline.

3. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that your service be characterized as a UOTHC discharge. The commander exercising Special Court-Martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board, subject to your availability.
- c. Be represented by legal counsel at a board hearing.

- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
 - e. Waive the above rights. However, you must consult legal counsel before making a decision to waive any of your own rights.
5. Military legal counsel, coordinated through Area Defense Counsel, Hurlburt Field, FL, (850) 884-5216/5217, has been obtained to assist you. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
6. Confer with your counsel and reply in writing within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who will also sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the separation authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.
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.
8. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
9. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.
10. Execute the attached acknowledgement and return it to me immediately.


Commander

Attachments:

1. AF Form 3070 and members response, dtd 30 Aug 06 (10 pp)
2. Copy of Notification Memorandum w/atchs
3. Airman's Acknowledgment