

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">COUNSEL</td> <td>NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td>No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table> </td> <td>ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td>No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X	ADDRESS AND OR ORGANIZATION OF COUNSEL		
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YES	No										
	X										

VOTE OF THE BOARD					
	HON	GEN	UOHC	OTHER	DENY
					X**
					X**
					X**
					X**
					X**

ISSUES A94.53	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 HEARING		

HEARING DATE 21 Jan 2011	CASE NUMBER FD-2009-00404				
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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.

*Authority and Reason
+RE Code

TO: SAC MRBR 5500 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 20762-7001
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2009-00404

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 and requests that the review be completed based on the available service record.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDING: The Board denies the upgrade of the discharge, change of reason and authority for discharge, and change of reenlistment code.

ISSUE: Applicant received a General discharge for Commission of a Serious Offense-Other Serious Offense

Applicant submitted no issues regarding the inequity or impropriety of her discharge. The applicant does submit she has learned from her mistake and moved on. The record indicates the applicant received one Article 15. Her misconduct included misuse of her Government Travel Card and with intent to deceive submitted false pay documents for relocation reimbursement. The Board recognized the fact that the applicant had served seven years and five months total service before the discharge was initiated, but concluded the applicant's misconduct outweighed the positive aspects of her time in the Air Force. The characterization of the discharge received by the applicant was found to be appropriate.

The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366, on July 31, 2000) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

CONCLUSION: 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 the applicant was provided full administrative due process.

Attachment:
Examiner's Brief

**APPLICATION FOR THE REVIEW OF DISCHARGE
FROM THE ARMED FORCES OF THE UNITED STATES**
(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004
OMB approval expires
Oct 31, 2009

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 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 *(The person whose discharge is to be reviewed).* **PLEASE PRINT OR TYPE INFORMATION.**

a. BRANCH OF SERVICE <i>(X one)</i>	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME <i>(Last, First, Middle Initial)</i>	c. GRADE/RANK AT DISCHARGE			d. SOCIAL SECURITY NUMBER	
			E4/SrA		
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 <i>(Forward notification of any change in address.)</i>				f. TELEPHONE NUMBER <i>(Include Area Code)</i>	
				g. E-MAIL	
				h. FAX NUMBER <i>(Include Area Code)</i>	

2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>	4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>	5. BOARD ACTION REQUESTED <i>(X one)</i>
20080214	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:
354 OSAM/Eielson AFB, AK	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER <i>(Explain)</i>	<input checked="" type="checkbox"/>

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST *(Continue in Item 13. See instructions on Page 3.)*
I would like to have the ability to use my continued VA educational benefits to further my education with financial assistance. I made one mistake throughout my entire career and at the time, I felt it was best to just get everything over with. Specifically asking would I be able to use my VA benefits, I was told by my ADC representative as long as I've completed one full service contract.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) 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: *(Continue in Item 14. If military documents or medical records are relevant to your case, please send copies.)*
Enlisted Performance Reports
Awards
Civilian Performance Report

9. TYPE OF REVIEW REQUESTED *(X one)*

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR *(counsel/representative)* WILL NOT APPEAR BEFORE THE BOARD.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO *(enter city and state)* *(NOTE: The Navy Discharge Review Board does not have a traveling panel.)*

10.a. COUNSEL/REPRESENTATIVE <i>(if any) NAME</i> <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 12.a. 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 the name *(print)* and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER *(Specify)*

12. 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>
a. SIGNATURE - REQUIRED <i>(Applicant or person in Item 11 above)</i>	b. DATE SIGNED - REQUIRED <i>(YYYYMMDD)</i>
	20090702
	FD-2009-00404

13. CONTINUATION OF ITEM 6, ISSUES (If applicable)

I could use my education benefits. Upon discharge, I applied for continued use of my MGI bill and was then advised by the VA representative that no I was not eligible because of my "general" discharge. She further went to explain that if I there was a break in service time from my first enlistment and second enlistment, then I would qualify.

During the time of my separation, I received numerous character statements that were filed with case stating that I shouldn't be discharged. During my service time, I had no administrative actions, not even a simple LOC. I gave 110% in everything I did and was most excellent at being a team player and encourager to my coworkers. I do not claim to be perfect, as I stated yes making the one mistake unfortunately ended my service commitment ahead of schedule. Learning from that mistake and moved on, I now am a Federal Civil Service employee for the Department of Army at Fort Wainwright, Alaska. My spouse is active duty Army and my family life in general is blessed. I am only seeking the ability further financially support my desired education goals in completing my degree.

14. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

15. REMARKS (If applicable)

All responses applicable to this application beyond January 2010, please send that information to my home of record address:

My family and I are due to leave Alaska in January 2010.

Thank you,

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (CG-122)
2100 Second Street, S.W. Room 5500
Washington, DC 20593

**DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD**

AFDRB BRIEF					
NAME (Last, First, MI):		SSN:	DOCKET # FD-2009-00404		COMPONENT: USAF
TYPE OF DISCHARGE: GENERAL	DISCHARGE FROM: EIELSON AFB, AK		DISCHARGE DATE: 13 FEB 08		APPEALS FOR: UPGRADE DISCHARGE
DOB/ ENLMT AGE: 16 SEP 80 19	DISCH AGE: 27	FORMER: SRA	HGH: SSGT	B. CURRENT DOR: 06 NOV 07	C. TIME LOST: NONE
AFSC: 1C751 - AIRFIELD MANAGEMENT		DEP DT: 16 MAY 00		ASVAB SCORES: A: 50 E: 50 G: 38 M: 23	
D. ART 15 / VAC: ART 15: 1	D. LOR, LOA, RIC, LOC: NONE		E. SCM / SPCM / GCM: NONE		ADDITIONAL: (IE. CIVIL CONV, CDC) NONE
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) :					
20 MAR 05 - 19 MAR 06 EDWARD AFB 5 (ANNUAL)					
20 MAR 06 - 19 MAR 07 EIELSON AFB 5 (ANNUAL)					
20 MAR 07 - 18 DEC 07 EIELSON AFB 1 (DBHQ) REFERRAL					
G. AWARDS & DECS: AFCEM, AFAM, AFOUA w/3OLC, AFGCM, NDSM, ICM, GWOTSM, AFESR w/GB, AFLSR, USAFNCOPMEGR, AFTR					
EAD: 19 JUL 00		DAS: 11 APR 06		H. TMS: 7 YRS 8 MOS 29 DAS	
TAMS: 7 YRS 6 MOS 25 DAS					
APPLN (DD FORM 293) DTD: 02 JUL 09		DT/ INITIALS: 20 JUL 10		NPA/PA: NPA	
BOARD REGION:					
RECORDS :	MPR:NO	ARMS: YES	STR: YES	ISSUES: YES	ATTACHMENTS: YES
AUTH FOR DISCHARGE : AFI 36-3208, PARA 5.52.3 (COMMISSION OF A SERIOUS OFFENSE: OTHER SERIOUS OFFENSE)					
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:					
<p>ART 15: 06 NOV 07 - (ART 92) MISUSE GTC. (ART 132) WITH INTENT TO DECIEVE SUBMITTED FALSE PAY DOCUMENTS FOR RELOCATION REIMBURSMET .</p>					
EXAMINER'S NOTE:					
NOTES:					

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SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12. 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. (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.)		CASE NUMBER (Do not write in this space.)
a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD)	FD-2009-00404
	20090702	

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Thank you,
[REDACTED]

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ARMY

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (CG-122)
2100 Second Street, S.W. Room 5500
Washington, DC 20593



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

11 Jan 08

MEMORANDUM FOR SRA

FROM: 354 OSS/CC

SUBJECT: Notification Memorandum--Board Hearing

1. I am recommending your discharge from the United States Air Force for 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*, paragraph 5.52.3. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is:

On 18 Apr 06, you made a fraudulent claim for COLA against the United States in the amount of \$2,043.85. On 18 Apr 06 and 21 Apr 06, you made a fraudulent claim for travel entitlements against the United States in the amount of \$1,152.13. Between 13 Apr 06 and 19 Apr 06, you made a fraudulent claim for TLA against the United States in the amount of \$365.35. Between 16 Jun 07 and 17 Aug 07, you were derelict in the performance of your duties by willfully failing to refrain from using your Government issued travel card for official purposes only. For these acts of misconduct, you received nonjudicial punishment via Article 15, UCMJ, dated 6 Nov 07 (Tab 4, Atch 1).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. This action could result in your separation with an Honorable Discharge, Under Honorable Conditions (General) Discharge, or Under Other Than Honorable Conditions (UOTHC) Discharge, and I am recommending that you receive an Under Honorable Conditions (General) 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 United States Air Force, and will probably be denied future enlistment in any component of the armed forces.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Submit statements in your behalf in addition to, or in lieu of, the board hearing.

d. Be represented before the board by the ADC assigned to this installation or military counsel of your choice (if the counsel of choice is reasonably available) but not by both.

e. Waive any of the above rights.

5. You have been scheduled for a medical examination. You must report to 354th Medical Group, 2630 Central Ave on 11 JAN 08, at 1510 hours for the examination. The examination is for your potential administrative discharge.

6. 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 the Area Defense Counsel at building 2610, room 160, on 11 JAN 08, at 1430 hours. 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 military component does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within **7 duty days**, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the rights listed in paragraph 4 above.

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 your Area Defense Counsel's office.

9. 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.

10. 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.

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

Commander

Attachment:

1. Article 15, dated 6 Nov 07 (4 pgs)



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR 354 FW/CC

JAN 23 2008

FROM: 354 FW/JA

SUBJECT: Legal Review of Conditional Board Waiver –
OSS, PACAF

1. Lt Col [redacted] 354 OSS/CC, has recommended that SrA [redacted] be involuntarily separated with an Under Honorable Conditions (General) service characterization pursuant to AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.52.3, Commission of Serious Offense. I have reviewed the discharge package and find it legally sufficient to support the proposed action.
2. FACTS: SrA [redacted] is a 27 year old married female with seven years of military service. The events providing the basis for her discharge are that she filed three fraudulent claims against the government totaling \$3,561.33 and wrongfully used her government travel card. For this misconduct she was punished under Article 15, UCMJ.
3. MEMBER'S RESPONSE: SrA [redacted] consulted counsel and submitted a conditional waiver of her right to a hearing before a discharge board, contingent on the receipt of no less than an Under Honorable Conditions (General) service characterization (Tab 6).
4. ANALYSIS: I have reviewed SrA [redacted] discharge package and all of her due process rights have been satisfied. Lt Col [redacted] 354 OSS/CC, initiated the discharge action against SrA Augustus on 11 Jan 08. The Commander's recommendation of an Under Honorable Conditions (General) service characterization is appropriate in this case. SrA [redacted] misconduct indicates a severe lack of integrity; therefore, I concur with the commander's recommendation that Probation and Rehabilitation (P&R) is not appropriate in her case.
5. OPTIONS FOR THE SPECIAL COURT-MARTIAL CONVENING AUTHORITY: As the separation authority pursuant to AFI 36-3208, paragraph 5.56.1.1, you may:
 - a. Retain SrA [redacted]
 - b. Direct the case be reinitiated under another paragraph;
 - c. Reject SrA [redacted] board waiver and direct that a board be convened to consider the case;
 - d. Recommend SrA [redacted] be separated with an Honorable or General discharge, with or without P&R, and forward the case to the 11 AF/CC for action;

6. **RECOMMENDATION:** I recommend you sign the letter at Tab 1 recommending SrA Augustus be discharged from the United States Air Force with a General discharge characterization, pursuant to AFI 36-3208, paragraph 5.52.3, without the opportunity for P&R.

Deputy Staff Judge Advocate

Attachment:

SrA Discharge Package