

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>SSGT</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE <b>GEN</b>	PERSONAL APPEARANCE	<b>X</b> RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<b>X</b>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A94.39, A94.53, A01.43</b>	INDEX NUMBER <b>A72.00</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center;"><b>1</b></td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;"><b>2</b></td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;"><b>3</b></td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>4</b></td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<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 HEARING
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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

**REMARKS**  
**Case heard at 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.**

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>02-09-17</b>
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TO: SAF/MIBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0075

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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.

Issues. Applicant received an Under Other Than Honorable Conditions (UOTHC) discharge pursuant to his request to be discharged in lieu of trial by court martial, apparently for drug abuse. Although the discharge records are missing, there is indication member was convicted by special court martial for drug abuse, but did not receive a punitive discharge. Furthermore, there are entries in member's medical records indicating he was entered into drug rehabilitation and counseling following a positive urinalysis for cannabis use. It appears this particular use was that which resulted in the court martial charges that member requested discharge in lieu of. The Board concluded member's misconduct was an extremely significant departure from conduct expected of all military members, and as an NCO at the time, member would have been well aware of the Air Force's zero tolerance policy for drug abuse. The Board further notes that applicant voluntarily submitted his request for discharge in lieu of trial by court martial, thus not attempting to establish his innocence, and in doing so acknowledged his characterization of service could be deemed under other than honorable conditions; in accordance with discharge regulations, airmen discharged under these circumstances usually do have their service characterized as UOTHC. Additionally, since the discharge documents are not available for review, and lacking any evidence from the applicant to the contrary, the Board must rely on the presumption of regularity and found no wrongful action by the Air Force, and finds the discharge proper and without basis for upgrade.

**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 SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF 87/11/30 UP AFR 39-10, Chapter 4 (Discharge in Lieu of Court-Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 60/01/11. Enlmt Age: 18 2/12. Disch Age: 27 10/12. Educ: HS DIPL  
 . AFQT: N/A. A-20, E-30, G-27, M-54. PAFSC: 43173 - Airlift Aircraft  
 Maintenance Technician. DAS: 81/12/31.

b. Prior Sv: (1) AFRes 78/03/28 - 78/07/27 (4 Mos 0 Days) (Inactive).

(2) Enlisted as AB 78/07/28 for 4 yrs. Reenlisted as SRA  
 81/11/02 for 4 yrs. Svd: 6 yrs 10 mos 8 days, all AMS. AMN - 79/01/28. A1C -  
 79/07/28. SRA - 84/04/01. SGT - 82/04/01. SSGT - 83/10/01. APRs:  
 9,9,9,9,9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SSGT 85/06/06 for 4 yrs. Svd: 2 Yrs 5 Mo 25 Das, all AMS.

b. Grade Status: SSGT - 83/10/01  
 SGT - 82/04/01  
 SRA - 81/04/01  
 A1C - 79/07/28  
 AMN - 79/01/28

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None

g. Record of SV: 84/10/22 - 85/10/21 Andrews AFB 9 (Annual)  
 85/10/22 - 86/10/21 Andrews AFB 9 (Annual)

(Discharged from Andrews AFB)

h. Awards & Decs: AFCEM, AFOUA, AFGCM W/2 OLCs, AFLSA W/1 OLC, NCOPMEGR,  
 AFTR.

i. Stmt of Sv: TMS: (9) Yrs (8) Mos (3) Das  
 TAMS: (9) Yrs (4) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/02/05.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**  
None

02/07/30/cr

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AMN</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<b>X</b>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	COTHC	OTHER	DENY
<b>[REDACTED]</b>		<b>X</b>			
<b>[REDACTED]</b>		<b>X</b>			
<b>[REDACTED]</b>		<b>X</b>			
<b>[REDACTED]</b>		<b>X</b>			
<b>[REDACTED]</b>		<b>X</b>			

ISSUES <b>A94,06</b>	INDEX NUMBER <b>A70,00</b>	EXHIBITS SUBMITTED TO THE BOARD
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		TAPE RECORDING OF PERSONAL APPEARANCE HEARING
HEARING DATE <b>3 OCT 02</b>	CASE NUMBER <b>FD2002-0182</b>	

APPLICANT'S JESUIT AND THE BOARD'S DECISIONAL RATIONALE ARE RECLOSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.

**REMARKS**  
**Case heard at Washington, D.C.**  
  
**Advise applicant of the decision of the Board.**

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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TO: SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0182

**GENERAL:** The applicant appeals for upgrade of discharge to General.

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 to General is approved.

The Board finds that neither the evidence of record or that provided by the applicant substantiates an impropriety that would justify upgrade of the discharge. However, after a thorough review of the record, the Board finds that the applicant's character of discharge is iniquitable.

**ISSUES:** The applicant was discharged with an Under Other Than Honorable Conditions (UOTHC) Discharge in Lieu of Trial by Court-Martial. Member received an Article 15 for wrongfully using a government computer to transmit an electronic mail message containing pornography. The record is missing documents, however, it does indicate that the applicant was charged with 6 days lost time when she went home without filing a leave request. While the Board did not condone the applicant's incidents of misconduct, they did feel it would have been more equitable to give her a General discharge.

**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.

However, in view of the foregoing findings, the Board also concludes that the overall quality of applicant's service is more accurately reflected by a General discharge. The applicant's characterization for discharge should be changed to General under the provisions of Title 10, USC 1553.

Attachment:  
Examiner's Brief

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

[REDACTED]  
[REDACTED] (Former AMN) (HGH AMN) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF 00/04/21 UP AFI 36-3208, para 4.3 (Discharge in Lieu of Trial by Court-Martial). Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 79/03/12. Enlmt Age: 19 1/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-76, E-33, G-33, M-32. PAFSC: 3M031 - Services. DAS: 99/01/21.

b. Prior Sv: (1) AFRes 98/04/03 - 98/05/19 (1 Mo 17 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 98/05/20 for 4 yrs. Svd: 1 Yr 11 Mo 2 Das, all AMS.

b. Grade Status: AMN - 99/09/29  
AB - 99/03/29 (Article 15, 99/03/29)  
AMN - 98/11/20

c. Time Lost: 6 Days.

d. Art 15's: (1) 99/03/29, Mountain Home AFB, ID, Article 92. You, did, on or about 18 Mar 1999, fail to obey a lawful general regulation to wit: paragraph 6.1.3, Air Force Instruction 33-129, dated 1 Jan 1997, by wrongfully using a government-owned computer to transmit an electronic mail message containing pornography. Reduction to the grade of AB, 30 days extra duty, and a reprimand. Appeal denied. (No mitigation).

e. Additional: Unknown.

f. CM: None.

g. Record of SV: None.

(Discharged from Mountain Home AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (19) Das  
TAMS: (1) Yr (11) Mos (2) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/03/19.  
(Change Discharge to General)

Issue: On December 24, 1999 I [REDACTED] asked permission from my supervisor Sgt -----, if I could leave the area. In return he said "yes I don't see why not you have seven days off just leave a number where you can be reached. So I Got a flight and left. Once at home I phone the Base everything was fine. I then went into (?) labor and had my son three months early. My Sgt ----- was the first to phone ----- Army Community Hospital at Ft Stewart GA about (?) weeks went by and I was contacted by my First Sergant (sic) ---- and told that my commander Maj ---- was bringing me up on charges of being AWOL when I had permission from my supervisor along with other Airman.

**ATCH**  
None.

02/08/08/cr