

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A01.00, A95.00	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 3 JUN 03	CASE NUMBER FD2002-0507	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	

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 Scott AFB, Illinois.

Advise applicant of the decision of the Board, the right to appear before the Board with or without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 3 JUN 03
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance hearing 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 Honorable is denied.

The Board finds that neither the evidence of record or that provided by the applicant substantiates an impropriety or equity that would justify upgrade of the discharge.

ISSUES: The applicant was discharged with a General Discharge for Misconduct – Minor Disciplinary Infractions. Member received an Article 15 for damage to government property, three Letters of Reprimand for making rude comments and using profanity in a public area along with disobeying a general order, using a government owned computer to participate in viewing and forwarding a pornographic MGEP (video), and failure to obey dress and appearance by wearing an earring; three Records of Individual Counseling for insubordination, disobeying a direct order, and smoking in a government vehicle; and a Memorandum for Record for poor duty performance. The applicant did not submit any additional issues or supporting documentation to support his request for upgrade. Based on the available records the Board found no impropriety or inequity.

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.

Attachment:
Examiner's Brief

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

[REDACTED]
[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Apr 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 23 Jul 81. Enlmt Age: 18 9/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-50, E-35, G-33, M-30. PAFSC: 3A031 - Information Management Apprentice. DAS: 16 Oct 00.

b. Prior Sv: (1) AFRes 20 May 00 - 6 Jun 00 (17 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Jun 00 for 4 yrs. Svd: 1 Yrs 10 Mo 20 Das, all AMS.

b. Grade Status: A1C - 20 Oct 01
AMN - 7 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 20 Apr 01, Scott AFB, IL - Article 108. You, did, on or about 9 Mar 01, without proper authority, through neglect damage by crashing into building P40, a government vehicle, registration number 87B3323, military property of the United States, of a value of about \$23,276.00, the amount of said damage being in the sum of about \$4,890.00. Suspended reduction to AB, forfeiture of \$250.00 pay per month for 2 months. Restriction for 30 days, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 27 MAR 02 - Using government owned computer to participate in viewing and forwarding a pornographic MGEP.
LOR, 01 NOV 01 - Making rude comments and using profanity in a public area. Disobeying a lawful general order.
LOR, 05 OCT 01 - Failure to obey dress and appearance standards by wearing an earring.
RIC, 15 MAR 01 - Insubordination.
RIC, 12 DEC 00 - Disobeying a direct order.
RIC, 17 NOV 00 - Smoking in a government vehicle.

f. CM: None.

02 APR 2002

MEMORANDUM FOR A1C [REDACTED]

FROM: 375 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation of discharge is approved, your service may be characterized as honorable, under honorable conditions (general) or under other than honorable conditions (UOTHC). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. You, who should have known of your duties, at or near Scott Air Force Base, Illinois, on or about 5 March 2002, violated a lawful general order by using a government owned computer to participate in viewing and forwarding a pornographic MGEP. For this offense you received a Letter of Reprimand, dated 27 Mar 02 (Atch 1/A).

b. You, who should have known of your duties, at or near Scott Air Force Base, Illinois, on or about 8 October 2001, made rude comments and used profanity in a public area.

c. You, having received a lawful general order from your supervisor not to utilize the government e-mail system due to your repeated misuse of the program, at or near Scott Air Force Base, Illinois, on or about 15 October 2001, were found to be utilizing government e-mail service. For the offenses listed in paragraphs 2b and 2c, you received a Letter of Reprimand, dated 1 Nov 01 and an Unfavorable Information File was established, dated 13 Nov 01 (Atch 1/B).

d. You, who should have known of your duties, at or near Scott Air Force Base, Illinois on or about 29 September 2001, were derelict in the performance of those duties in that you negligently failed to obey Air Force Instruction 36-2903, Dress and Personal Appearance of Air Force Personnel, chapter 2, table 2.5, item 7, dated 8 June 1998, by wearing an earring. For this offense you received a Letter of Reprimand, dated 5 Oct 2001 (Atch 1/C).

e. You, did, at or near Scott Air Force Base, Illinois, on or about 9 March 2001, through neglect, damage a government vehicle by crashing into building P40, damages being in the sum of about \$4890. For this offense you received a non-judicial punishment, dated 20 Apr 01 (Atch 1/D).

f. You, who should have known of your duties, at or near Scott AFB, Illinois, on divers occasions failed to obey a direct order by walking away from your floor leader and saying "this is stupid" or words to that effect. For this offense you received a Letter of Counseling, dated 15 March 2001 (Atch 1/E).

g. You, did, at or near Scott Air Force Base, Illinois, on or about 12 December 2001, disobey a direct order by wearing your field jacket without the proper rank sewn on. For this offense you received a Letter of Counseling, dated 12 Dec 2000 (Atch 1/F).

h. You, who should have know of your duties, at or near Scott Air Force Base, Illinois, on or about 17 November 2000, were derelict in the performance of those duties in that you negligently failed to refrain from smoking on a government vehicle. For this offense you received a Record of Individual Counseling, dated 17 Nov 00 (Atch 1/G).

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. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You must report to the 375th Medical Group, Scott Air Force Base, Illinois, Physical Examinations Section with your medical records for a doctor to determine if further action is required.

5. Before close of business tomorrow (or the next duty day) you will contact Special Actions at Military Pay at DSN 576-2665, to make arrangements concerning your military pay.

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 with the Area Defense Counsel, Bldg 7, on 2 Apr 02 at 1430 hours. Instead of the appointed counsel, you may have other counsel, if the lawyer you request is in the active military service, and if reasonably available as determined according to AFI 51-201. In addition to or in lieu of military counsel, you have the right to employ civilian counsel at your own expense. The Air Force does not pay expenses incidental to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 duty days of your receipt of this letter, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

8. 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.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974 as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the

squadron orderly room or local Area Defense Counsel's office.

10. Execute the attached acknowledgement and return it to me immediately.

A large, irregular black redaction mark covers the signature area of the document.

Lt Col, USAF

Commander

Attachments:

1. Supporting documentation
2. Airman's Acknowledgement
3. RIP