

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
		AB				
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO					
	X					
		ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
						X
ISSUES <b>A95.00</b>		INDEX NUMBER <b>A67.90</b>		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 <b>8 APR 03</b>		CASE NUMBER <b>FD2003-0041</b>				
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			SIGNATURE OF BOARD PRESIDENT			
INDORSEMENT					DATE: 8 APR 03	
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			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0041

**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 the available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge is denied.

The board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

**ISSUE:** The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant had received two Article 15's for, with intent to deceive, make an official statement that was false. And, for being derelict in the performance of his duties by downloading games on his government computer. In addition, he also received three Letters of Reprimand for failure to obey a lawful order, failure to follow established procedures and not being truthful when questioned about it, and for substandard performance, behavior, adaptability and habitual lying. In addition, he received four Letters of Counseling for violation of uniform policies, making a false official statement, being late for work and violation of safety standards. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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.

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

[REDACTED]  
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 25 Jun 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 Jul 81. Enlmt Age: 17 0/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-46, E-54, G-42, M-51. PAFSC: 2A654 - Aircraft Fuels System Journeyman. DAS: 1 Jan 00.

b. Prior Sv: (1) AFRes 28 Jul 98 - 17 Aug 99 (1 Year 0 Months 21 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 18 Aug 99 for 6 yrs. Svd: 2 Yrs 10 Mos 8 Das, all AMS.

b. Grade Status: AB - 30 May 02 (Article 15, 30 May 02).

c. Time Lost: None.

d. Art 15's: (1) 30 May 02, Little Rock AFB, AR - Article 92. You, who knew of your duties, between on or about 29 Mar 02 and on or about 12 Apr 02, were derelict in the performance of those duties in that you willfully failed to refrain from downloading games on your government computer, as it was your duty to do. Reduction to AB, suspended forfeiture of \$100.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

(2) 8 Aug 00, Little Rock AFB, AR - Article 107. You, did, on or about 21 Jul 00, with intent to deceive, make to TSgt ----- and TSgt ----- an official statement, to wit: that you had seen a doctor the morning of 21 Jul 00 at 0700 and that doctor had placed you on quarters, which statement was false in that you had not seen a doctor at 0700 the morning of 21 Jul 00 and you were not placed on quarters at that time, and was then known by you to be so false. Suspended reduction to AMN, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 18 JAN 02 - Failure to obey a lawful order.  
LOR, 14 DEC 01 - Failure to follow established procedures  
and not truthful when questioned about it.  
LOC, 03 DEC 01 - Violation of uniform policies.

LOC, 27 NOV 01 - Violation of safety standards.  
RIC, 06 JUN 00 - Making a false official statement.  
RIC, 22 MAY 00 - Late for work.  
LOR, 22 FEB 00 - Substandard performance, behavior,  
adaptability, and habitual lying.

f. CM: None.

g. Record of SV: 18 Aug 99 - 17 Apr 01 Little Rock AFB 3 (Initial)

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (29) Das  
TAMS: (2) Yrs (10) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Jan 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**  
None.

19Mar03/cr



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 314TH AIRLIFT WING (AETC)  
LITTLE ROCK AIR FORCE BASE, ARKANSAS

10 JUN 2002

MEMORANDUM FOR [REDACTED]

FROM: 314 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a *Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline*. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation for discharge is approved, your service will be characterized as either honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. Between on or about 29 March 2002 and on or about 12 April 2002, you failed to refrain from downloading games on your government computer. For your actions, you received nonjudicial punishment under Article 15, UCMJ (Atch 1-1).

b. On or about 18 December 2001, you failed to follow the orders of your section commander. For your actions, you received a letter of reprimand (LOR) (Atch 1-2).

c. On or about 4 December 2001, you failed to properly inventory your tool box according to prescribed rules. For your actions, you received an LOR (Atch 1-3).

d. On or about 3 December 2001, you were out of uniform standards. For your actions, you received a letter of counseling (LOC) (Atch 1-4).

e. On or about 27 November 2001, you failed to wear your air-supplied full faced respirator while inside the fuel tank as specified by regulation. For your actions, you received an LOC (Atch 1-5).

f. On or about 21 July 2000, you made a false official statement to two NCOs regarding the clinic placing you on quarters. For your actions, you received nonjudicial punishment under Article 15, UCMJ (Atch 1-6).

g. On or about 6 June 2000, you made a false official statement to another airman concerning the whereabouts of your line area badge. For your actions, you received an LOC (Atch 1-7).

h. On or about 22 May 2000, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received an LOC (Atch 1-8).

i. On or about 18 February 2000 and on or about 22 February 2000, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received an LOR (Atch 1-9).

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 higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. 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 [REDACTED] Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 on 11 June 2002 at 1400 hours. You may consult civilian counsel at your own expense.

5. 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) workdays unless you request and receive an extension for good cause shown. I will forward any statements you submit to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to Little Rock AFB Clinic at 1500 hours on 13 June 2002 for the examination.

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 in the Orderly Room.

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

[REDACTED] Col, USAF

Attachments: (See next page)

## Attachments:

- 1-1 Article 15, 21 May 02
  - Member's Response, 24 May 02
  - MFR ( [REDACTED] ), 10 May 02
  - MFR ( [REDACTED] ), 10 May 02
  - MFR ( [REDACTED] ), 14 May 02
  - MFR ( [REDACTED] ), 13 May 02
- 1-2 LOR, 18 Jan 02
- 1-3 LOR, 14 Dec 01
- 1-4 LOC, 3 Dec 01
- 1-5 LOC, 27 Nov 01
- 1-6 Article 15, 3 Aug 00
  - Member's Response, 3 Aug 00
  - Record of Medical Care, 21 Jul 00
  - MFR ( [REDACTED] ), not dated
  - MFR ( [REDACTED] ), 24 Jul 00
  - MFR ( [REDACTED] ), 24 Jul 00
  - MFR ( [REDACTED] ), 21 Jul 00
- 1-7 LOC, 6 Jun 00
- 1-8 LOC, 22 May 00
- 1-9 LOR, 22 Feb 00