

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	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	

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

ISSUES A95.00	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 1 MAY 03	CASE NUMBER FD2003-0058	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 RATIONAL 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 /
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INDORSEMENT	DATE: 1 MAY 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 RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD03-0058

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 received two Article's 15 for failure to go and wrongfully using his government computer to transmit pornographic material. In addition, he received a Letter of Reprimand for failure to stop at a stop sign and driving with a suspended driver's license. 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 4 Jun 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Jul 78. Enlmt Age: 21 9/12. Disch Age: 23 10/12. Educ: HS DIPL. AFQT: N/A. A-55, E-43, G-32, M-27. PAFSC: 3S051 - Personnel Journeyman. DAS: 4 Feb 02.

b. Prior Sv: (1) AFRes 21 Apr 00 - 30 May 00 (1 month 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 31 May 00 for 4 yrs. Svd: 2 Yrs 0 Mo 5 Das, all AMS.

b. Grade Status: AMN - 30 Apr 02 (Article 15, 30 Apr 02)
A1C - 31 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 30 Apr 02, Moody AFB, GA - Article 92. You, did, from on or about 4 Apr 02 to on or about 5 Apr 02, violate a lawful general order, to wit: para 3.3, AFI 33-119, by wrongfully using your government computer to transmit pornographic material. You, who knew of your duties, on or about 5 Apr 02, were derelict in the performance of those duties in that you willfully failed to refrain from conduct of a sexually offensive nature by electronically transmitting the message "She remind me of you soft and creamy. You know you working with something under them BDUs, but only time will tell," or words to that effect, to SRA -----, as it was your duty to do. Reduction to Amn. (No appeal) (No mitigation)

(2) 17 May 01, Moody AFB, GA - Article 86. You, did, on or about 3 May 01, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Amn, and 10 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 23 APR 02 - Speeding and driving with a suspended driver's license.

f. CM: None.

g. Record of SV: 31 May 00 - 31 Jan 02 Moody AFB 5 (Initial)

(Discharged from Moody AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (15) Das
TAMS: (2) Yrs (0) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Feb 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

25MAR03/ia



DEPARTMENT OF THE AIR FORCE
347TH RESCUE WING (ACC)
MOODY AIR FORCE BASE, GEORGIA

17 May 2002

MEMORANDUM FOR [REDACTED] MDSS

FROM: 347 MDSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline (pattern of misconduct). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as 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 as follows:

- a. You did, at or near Moody Air Force Base, Georgia, on or about 3 May 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 3010, Military Personnel Flight. For this offense, you received nonjudicial punishment pursuant to Article 15, UCMJ on 17 May 01. Your punishment included a reduction to the grade of Airman (suspended), and 10 days extra duty (Atch 1a).
- b. On 19 Apr 02, you were apprehended by a Valdosta Police officer, for failing to stop at a Stop sign, and driving with a suspended driver's license. For this offense, you received a Letter of Reprimand, dated 23 Apr 02, which was used to establish your Unfavorable Information File (Atch 1b).
- c. You did, at or near Moody Air Force Base, Georgia, from on or about 4 April 2002 to on or about 5 April 2002, violate a lawful general order, to wit: paragraph 3.3, Air Force Instruction 33-119, dated 1 March 1999, by wrongfully using your government computer to transmit pornographic material. Also, on or about 5 April 2002, you were derelict in the performance of those duties in that you willfully failed to refrain from conduct of a sexually offensive nature by electronically transmitting the message "She remind me of you soft and creamy. You know you working with something under them BDUs, but only time will tell," or words to that effect, [REDACTED], as it was your duty to do. Your punishment included a reduction to the grade of Airman (Atch 1c).

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 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 and will probably be precluded from enlistment in any component of the armed forces. Any pay special pay, bonus, or education assistance funds may be subject to recoument.

3. 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 _____, Area Defense Counsel, in Building 5107 Austin Ellipse, Moody AFB, GA, extension (DSN) 460-3421, on 20 May 2002 at 0900 hrs. **Please take your copy of this Notification Memorandum and attachments with you to your appointment. You may consult civilian counsel at your own expense.**

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

5. 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.

6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams, Building 3296, on 21 May 2002 at 1330 hrs for the examination. **This is a mandatory appointment. Be sure to bring your medical records to this appointment.**

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 in the orderly room.

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



Attachments:

- 1. Supporting Documents, Reasons for Discharge
 - a. AF Form 3070, 17 May 01
 - b. LOR/UIF, 23 Apr 02
 - c. AF Form 3070, 30 Apr 02
- 2. Receipt of Notification Memorandum