

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

<b>MEMBER SITTING</b>	<b>NOTE OF THE BOARD</b>				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A94.53	<b>INDEX NUMBER</b> A70.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<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	
<b>HEARING DATE</b> 23 Sep 2003	<b>CASE NUMBER</b> FD-2003-00286		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD</b> [REDACTED]
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<b>ENDORSEMENT</b>		<b>DATE: 9/23/2003</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00286

**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. Additionally, member had two Articles 15, one for absenting himself from his unit for 13 days, and the other for wrongfully downloading and viewing pornographic materials on a government computer on divers occasions. Without further evidence to the contrary, the Board concluded member's apparent misconduct was incompatible with Air Force standards and an extremely significant departure from conduct expected of all military members. For the period of service under review, his misconduct was sufficient reason for receiving a UOTHC discharge. 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 or present any extenuating or mitigating factors. In doing so he acknowledged that under these circumstances his characterization of service could be deemed under other than honorable conditions in accordance with discharge regulations, wherein airmen so discharged usually do have their service characterized as UOTHC. Furthermore, 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 SRA) (HGH SRA)

MISSING DOCUMENTS & MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 15 Oct 01 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 16 Jan 74. Enlmt Age: 24 7/12. Disch Age: 27 8/12. Educ: HS DIPL. AFQT: N/A. A-50, E-51, G-42, M-40. PAFSC: 2S051 - Supply Management Journeyman. DAS: 24 Aug 98.

b. Prior Sv: (1) AFRes 23 Jan 98 - 10 Mar 98 (1 month 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 11 Mar 98 for 4 yrs. Svd: 3 Yrs 7 Mo 4 Das, of which AMS is 3 yrs 5 months 17 days (excludes 1 month 18 days lost time)

b. Grade Status: SrA - 14 Aug 01  
A1C - 27 Jul 99  
Amn - 03 Sep 98 (Article 15, 3 Sep 98)

c. Time Lost: 28 Jul 98-21 Aug 98 & 16 Sep 01-10 Oct 01 (1 month 18 days)

d. Art 15's: (1) 25 Apr 01, Mountain Home AFB, ID - Article 92. You, did, on divers occasions between on or about 24 Sep 00 and between on or about 9 Nov 00, violate a lawful general regulation, to wit: para 6.1.3, AFI 33-129, 1 Aug 99, by wrongfully downloading and viewing pornographic material. Suspended reduction to Airman (remitted 20 Jul 01). Forfeiture of \$50.00 pay per month for 2 months, and 10 days extra duty. (No appeal) (No mitigation)

(2) 3 Sep 98, Mountain Home AFB, ID - Article 86. You, did, on or about 11 Aug 98, without authority, absent yourself from your place of duty at which you were required to be, to wit: 366<sup>th</sup> Supply Squadron, Mountain Home AFB, ID, and did remain so absent until on or about 24 Aug 98. Reduction to Airman, 30 days restriction, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 11 Mar 98 - 20 Dec 99 Mountain Home AFB 4 (Initial)  
21 Dec 99 - 20 Dec 00 Mountain Home AFB 5 (Annual)

(Discharged from Mountain Home AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (11) Das  
TAMS: (3) Yrs (5) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Jun 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

1. DD Form 214.
2. Enlisted Performance Reports.
3. Notification Promotion Non Recommendation Cancellation.
4. Performance Feedback Worksheets.
5. Sharp Troop of the Month Certificate.

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