

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE ██████████	AFSN/SSAN ██████████
--	----------------------------	--------------------------------

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL					
<table border="1"> <tr> <td>YES</td> <td>No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
██████████					X
██████████					X
██████████					X
██████████					X
██████████					X

ISSUES A92.15 A92.21	INDEX NUMBER A67.90	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	
HEARING DATE 24 Sep 2003	CASE NUMBER FD-2003-00307		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

SIGNATURE OF RECORDING OFFICER ██████████	SIGNATURE OF BOARD PRESIDENT ██████████
---	---

ENDORSEMENT		DATE: 9/24/2003
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00307

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 that neither the evidence of record nor that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for conduct prejudicial to good order and discipline. He had two Articles 15, a vacation of suspended punishment, a Letter of Reprimand, and a civilian court conviction. His misconduct included stealing, failure to obey orders and general regulations viewing pornographic material on a government computer, and leaving the scene of an accident with personal injury. At the time of the discharge, member waived his right to consult counsel and submit matters in his own behalf. Applicant now contends he did as many good things during his enlistment as bad, although he concedes he was responsible for the bad decisions he made while in the Air Force. The Board found this issue without merit. The Board noted member was given several opportunities to correct his behavior but was either unwilling or unable to do so. Member was age 19 when his misconduct occurred, the same age as other airmen who honorably complete their service without misconduct. There was no evidence he was immature, or didn't know right from wrong. The Board determined member was responsible for his actions and was held accountable for them because his misconduct was disruptive to the unit. The Board did not find sufficient mitigation to warrant an upgrade, and no inequity or impropriety was found in this discharge in the course of the records review.

Applicant cited his post-service conduct and good citizenship since discharge. However, this evidence is not relevant to the period of service under review and therefore, does not provide a basis for an upgrade. Although applicant has matured and his conduct may have improved, this alone is insufficient to overcome the factors that were the basis for 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

(Former AB) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 23 Dec 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: 13 Dec 81. Enlmt Age: 18 2/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-57, E-43, G-39, M-16. PAFSC: 3A031 - Information Management Apprentice. DAS: 4 Jan 01.

b. Prior Sv: (1) AFRes 10 Mar 00 - 21 Aug 00 (5 months 12 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 22 Aug 00 for 4 yrs. Svd: 2 Yrs 4 Mo 2 Das, all AMS.

b. Grade Status: AB - 27 Nov 02 (Article 15, 27 Nov 02)
AMN - 10 Jun 02 (Article 15, 10 Jun 02)
A1C - 22 Dec 01
AMN - 22 Feb 01

c. Time Lost: None.

d. Art 15's: (1) 9 Dec 02, Vacation, Tinker AFB, OK - Article 86. You, did, on or about 2 Dec 02, without authority, fail to go at the time prescribed to your appointed place of duty. Article 107. You, did, on or about 3 Dec 02, with intent to deceive, make to [REDACTED] an official statement, to wit: you were placed on quarters on 2 Dec 02 after seeing Doctor [REDACTED] which statement was totally false in that you were not seen by Doctor [REDACTED] or placed on quarters, and was then known by you to be so false. Forfeiture of \$250.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 27 Nov 02, Tinker AFB, OK - Article 121. You, did, on or about 9 Nov 02, steal two digital video discs and a playstation 2 video game, of a value of \$100 or less, the property of the Army Air Force Exchange Service. Reduction to AB. Suspended forfeiture of \$250.00 pay per month for 2 months. Restriction for 30 days, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

(3) 10 Jun 02, Tinker AFB, OK - Article 92. You, did, on

or about 10 Apr 02, fail to obey a lawful general instruction, to wit: para 6.1.3, AFI 33-129, dated 4 Apr 01, by wrongfully viewing pornographic material on a government computer. Article 107. You, did, on divers occasions between on or about 29 Mar 02, and on or about 31 Mar 02, with intent to deceive, sign official records, to wit: AF Form 1332 (Government Transportation Request and Meal Ticket Register), which records were false in that you marked the social security numbers and signed the names of [REDACTED] and [REDACTED] when you knew that the social security numbers and signatures were not your own, and was then known by you to be so false. Article 121. You, did, on divers occasions between on or about 29 March 02 and on or about 31 Mar 02, steal meals, military property, of a value of \$100 or less, the property of the Vanwey Dining Facility. Reduction to Amn, and 45 days restriction. (No appeal) (No mitigation)

- e. Additional: Court Record, 25 Oct 01 - Civil arrest (pled guilty) for leaving the scene of an accident with personal injury.
LOR, 16 OCT 02 - Failure to obey a lawful general instruction by eating take-out food in the dormitory dayroom.
- f. CM: None.
- g. Record of SV: 22 Aug 00 - 22 Apr 02 Tinker AFB 1 (Initial)REF
(Discharged from Tinker AFB)
- h. Awards & Decs: AFTR, NDSM, AFOUA.
- i. Stmt of Sv: TMS: (2) Yrs (9) Mos (14) Das
TAMS: (2) Yrs (4) Mos (2) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 27 Jun 02.
(Change Discharge to Honorable)

Issue 1: I think my discharge should be changed to an honorable because I have done more good deeds than bad during my time of service. I am responsible for all the bad decisions I made in my time of service. I do understand that I have dishonored and disgraced the Air Force high standards. Also, I brought shame and embarrassment upon myself but I was a young airman and I am still maturing in life. Despite all these things, I've done many noble things during my enlistment. For example, I completed my CDC's in an extremely fast timing, I served in the Base Honor Guard Team, my EPR would have been all fives if it wasn't for the dining hall incident, and I also participated in many voluntary services. I also accomplished many things outside the military. I earned my first college credit in military training and after two years, I earned 62

credits and received my A.A. in education. I have been accepted to one of the best schools in Oklahoma to further my education. I received many rewards and certificate while in school. I am also active in my church, Emmanuel Tabernacle, where, I am over the drama department, serve in the usher board and youth board. I'm slowly, but surely maturing in life and learning from past behaviors and mistakes. My Pastor, listed in my references, can be a witness to that. I hope that these issues can change your opinion of me and make you consider an upgrade on my discharge.

ATCH

1. College Transcript.
2. Letter of Admittance to University of Oklahoma.
3. Personal References.
4. Certificate of Accomplishment.

1AUG03/ia



DEPARTMENT OF THE AIR FORCE
552d MAINTENANCE GROUP (ACC)
TINKER AIR FORCE BASE, OKLAHOMA

9 December 2002

MEMORANDUM FOR [REDACTED]

FROM: 552 CMS/CC
Tinker AFB OK 73145

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct. My authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2, Conduct Prejudicial to Good Order and Discipline. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 17 Aug 01, you were arrested and charged in the District Court of Oklahoma County OK for leaving the scene of an accident with personal injury. You pled guilty to that charge and received a deferred sentence on 12 Dec 01. See Atch 1.

a. On or about 10 Apr 02, at or near Tinker AFB OK, you failed to obey a lawful general instruction in that you wrongfully viewed pornographic material on a government computer. Also on divers occasions, between on or about 29 Mar 02 and 31 Mar 02, with intent to deceive, you signed an official record wherein you gave false information by marking false social security numbers and signing the names of [REDACTED] and [REDACTED], knowing these were false. On divers occasions between on or about 29 Mar 02 and on or about 31 Mar 02, you stole meals, military property, of a value of \$100 or less, the property of Vanwey Dining Facility. As a result, you received an Article 15, dated 10 Jun 02. Punishment was reduction to the grade of airman, effective 10 Jun 02, and restriction to the limits of Tinker AFB for 45 days. See Atch 2.

b. On 7 Oct 02, you failed to obey a lawful general instruction in that you ate take-out food from the Vanwey Dining Hall in a dormitory dayroom. As a result, you received a Letter of Reprimand, dated 16 Oct 02. See Atch 3.

c. On or about 9 Nov 02, at Tinker AFB OK, you stole two digital video discs and a Playstation 2 video game, of a value of \$100 or less, from the Army Air Force Exchange Service. As a result, you received an Article 15, dated 27 Nov 02. Punishment was reduction to the grade of airman basic, effective 27 Nov 02, forfeiture

of \$150 pay per month for 2 months (suspended through 26 May 03), restriction to the limits of Tinker AFB OK for 30 days, 14 days extra duty, and a reprimand. See Atch 4.

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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made arrangements for you to consult [REDACTED] at Bldg One, Tinker AFB OK on 10 December 2002, at 0830 hours. To find [REDACTED] office, enter Bldg One at Door C on the south side of the building. Go to the end of the hallway and turn right through some double doors. His office will be the second door on the right. If it is necessary to change this appointment time, call [REDACTED] office at [REDACTED]. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 12 December 2002, 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 were scheduled for a medical examination on 6 December 2002, and you should have reported to the Tinker AFB Hospital, Physical Exam Section, on that date for the examination.
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 acknowledgment and return it to me immediately.

[REDACTED]
[REDACTED] AF
Commander, 552 CMS

Attachments:

1. OK County Court Record
2. Art 15, dtd 10 Jun 02
3. LOR, dtd 16 Oct 02
4. Art 15, dtd 27 Nov 02
5. Acknowledgment Ltr