

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
[REDACTED]		AB	[REDACTED]			
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
[REDACTED]						X
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A95.00	A67.10	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	CASE NUMBER					
4 NOV 03	FD2003-0375					
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			
[REDACTED]			[REDACTED]			
INDORSEMENT				DATE: 4 NOV 03		
TO:			FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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

FD-2003-00375

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code.

The applicant was offered a personal appearance 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 and change of reenlistment code are 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 that would justify a change of discharge.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety 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 an Article 15 for being derelict in the performance of his duties; by wrongfully wearing an unauthorized pager on his uniform, and for playing loud explicit and offensive music in the workplace. Additionally, he received three Letters of Reprimand, two Records of Individual Counseling, and six Memorandum's for Record for not wearing a seat belt, being disrespectful to a senior NCO, needing a shave, improper wear of the uniform, failure to obey a lawful order, having a negative attitude towards customers, unauthorized absence, financial irresponsibility, being late for work, and unauthorized use and abuse of the internet system on government computers. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. 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

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Feb 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 18 Aug 78. Enlmt Age: 18 11/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-50, E-79, G-86, M-62. PAFSC: 6F031 - Financial Management Apprentice. DAS: 28 Jun 98.

b. Prior Sv: (1) AFRes 7 Aug 97 - 6 Jan 98 (5 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Jan 98 for 4 yrs. Svd: 1 Yrs 1 Mo 20 Das, all AMS.

b. Grade Status: AB - 20 Jan 99 (Article 15, 20 Jan 99)
AMN - 7 Jul 98

c. Time Lost: None.

d. Art 15's: (1) 20 Jan 99, Andersen AFB, Guam - Article 92. You, who knew or should have known of your duties, on or about 28 Dec 98, were derelict in the performance of those duties in that you negligently failed to complete the processing of pay-affecting documents, as it was your duty to do. You, did, on or about 5 Jan 99, violate a lawful general instruction, to wit: Table 2.5, Item 11, AFI 36-2903, dated 8 Jun 98, by wrongfully wearing an unauthorized pager on your uniform. You, having knowledge of a lawful order issued by SSgt [REDACTED], your supervisor, to not play out loud explicit or offensive music in your workplace, an order which it was your duty to obey, did, on or about 7 Jan 99, fail to obey the same by wrongfully playing out loud music with obscene lyrics, including such lyrics as, "fucking up the neighbor," in your workplace. Reduction to AB, and 45 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 11 FEB 99 - Not wearing a seat belt, disrespect to an NCO, needing a shave, and improper wear of the uniform.

LOR, 10 FEB 99 - Failure to obey a lawful general order.

LOR, 09 DEC 98 - Failure to obey a lawful order.

MFR, 01 DEC 98 - Negative attitude towards customer.

MFR, 05 NOV 98 - Unauthorized absence.
MFR, 04 NOV 98 - Financial irresponsibility.
MFR, 04 NOV 98 - Poor customer service attitude.
MFR, 23 OCT 98 - Poor customer service attitude.
RIC, 20 OCT 98 - Disobeying a direct order.
MFR, 23 SEP 98 - Late for work.
RIC, 28 AUG 98 - Unauthorized use and abuse of the Internet system on government computers.

f. CM: None.

g. Record of SV: None.

(Discharged from Andersen AFB)

h. Awards & Decs: AFOSSTR, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (6) Mos (20) Das
TAMS: (1) Yrs (1) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Aug 03.
(Change Discharge to Honorable and Change the RE Code.)

NO ISSUES SUBMITTED.

ATCH

1. Article 15.
2. DD Form 214.

5SEP03/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD 2003-00375

17 February 1999

MEMORANDUM FOR AB [REDACTED]

FROM: 36 CPTF/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, Chapter 5, section H, paragraph 5.49, Minor Disciplinary Infractions. If my recommendation is approved, your service will be characterized as either Honorable or General (Under Honorable Conditions). I am recommending your separation be characterized as a General Discharge (Under Honorable Conditions).

2. My reasons for this action are:

a. On 26 August 1998, while on duty, you wrongfully used a government computer to access unauthorized materials from the Internet. For your actions, you received a Letter of Counseling (LOC) dated 28 August 1998 (Atch 1). The LOC was placed in an Unfavorable Information File (UIF) on 16 December 1998 (Atch 13).

b. On 20 October 1998, you were counseled for unauthorized use of the Internet on a government computer during duty hours. Furthermore, you were counseled for violating quarters restriction on two separate occasions. For your actions, you received a LOC dated 20 October 1998 (Atch 2). The LOC was placed in an UIF on 16 December 1998 (Atch 13).

c. On or about 25 November 1998, you failed to obey a lawful order to not use the Internet or commercial E-mail during duty hours. For your actions, you received a Letter of Reprimand (LOR) on 9 December 1998 (Atch 3). The LOR was placed in an UIF on 16 December 1998 (Atch 13).

d. On or about 28 December 1998, you were derelict in the performance of your duties in that you failed to complete the processing of pay-affecting documents, as it was your duty to do. In addition, on or about 5 January 1999, you violated AFI 36-2903 by wrongfully wearing an unauthorized pager on your uniform. Furthermore, on or about 7 January 1999, you failed to obey an order given to you by SSgt [REDACTED] your supervisor, by wrongfully playing out loud explicit or offensive music in your

workplace, which included lyrics as "fucking up the neighbor," after he had ordered you not to do so. For your actions, you received Article 15 nonjudicial punishment on 20 January 1999 consisting of a reduction to the grade of Airman Basic and 45 days extra duty (Atch 4). The Article 15 was placed in your existing UIF.

e. Between on or about 18 January 1999 and on or about 2 February 1999, you had a guest sleeping in your dormitory room on a total of ten separate occasions in violation of 36 ABW OI 32-6001, para 2.7.18.3. In addition, you failed to pay your full share of a phone bill for a phone you shared with Airman [REDACTED] for the months of November and December 1998. For your actions, you received a LOR dated 10 February 1999 (Atch 5). The LOR was placed in your existing UIF.

f. On 9 February 1999, CMSgt [REDACTED] observed you operating a government-owned vehicle while not wearing a seat belt. For this infraction, you received a traffic citation. In addition, when CMSgt [REDACTED] approached you regarding your failure to wear a seat belt, you were disrespectful toward him, a senior noncommissioned officer, and displayed a bad attitude. Furthermore, CMSgt [REDACTED] observed that you needed a shave and were not wearing the required patches on your uniform in violation of AFI 36-2903, table 1.4 and figure 2.11, and the applicable PACAF and 36 ABW supplements. For your actions, you received an LOR dated 11 February 1999 (Atch 6). The LOR was placed in your existing UIF.

3. Other derogatory data:

a. On 23 September 1998, a memo for record was accomplished to record your tardiness on two occasions within a five-workday period. For your actions, you were verbally counseled (Atch 7). The memo for record was placed in an UIF on 16 December 1998 (Atch 13).

b. On 23 October 1998, a memo for record was accomplished to record a complaint by a customer that you completely disregarded her presence at the customer service counter while you were in a personal telephone call. The memo for record further states that you lacked urgency while working at the customer service counter (Atch 8). The memo for record was placed in an UIF on 16 December 1998 (Atch 13).

c. On 4 November 1998, a memo for record was accomplished to record a customer service survey complaint. The survey stated that you were not helpful, were slow and unmotivated. When approached about this, your response was that the member had an attitude. For your actions you were verbally counseled (Atch 9). The memo for record was placed in an UIF on 16 December 1998 (Atch 13).

d. On 4 November 1998, a memo for record was accomplished to record your failure to pay for a returned check to NEX when you said you would take of it. For your actions, you were verbally counseled (Atch 10). The memo for record was placed in an UIF on 16 December 1998 (Atch 13).

e. On 5 November 1998, a memo for record was accomplished when you left your duty section to pick up your car without telling your supervisor or the section supervisor. Also, when picking up your car you had problems with your DPP card due to two returned checks by the Base Exchange, which you stated you were not aware of. Finally, you failed to move from one dormitory room to another when you had been previously notified of such requirement (Atch 11). The memo for record was placed in an UIF on 16 December 1998 (Atch 13).

f. On 1 December 1998, a memo for record was accomplished when you displayed a negative attitude on the customer service counter in front of customers. For your actions, you were verbally counseled (Atch 12). The memo for record was placed in an UIF on 16 December 1998 (Atch 13).

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising Special Court-Martial (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.

5. You have the right to counsel. Military legal counsel has been obtained to assist you. **I have made an appointment for you to consult Captain [REDACTED] the Area Defense Counsel, Bldg. 21000, 366-2281 at 1100 hours on 18 February 1999.** You may consult civilian counsel at your own expense.

6. You will go the 36th Medical Operations Squadron, Physical Exams Section, with your medical records on hand, for a review of these records immediately. You do not need an appointment. They will decide whether you need a complete physical exam or a family practice appointment. Follow their instructions.

7. You have the right to submit statements on your own behalf. **Any statements you want the separation authority to consider must reach me by 22 February 1999, no later than 1630 hours, unless you request and receive an extension.** I will send them to the separation authority.

8. If you fail to consult or to submit statements on 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 of 1974 as explained in AFI 36-3208 and is available for your use in the Unit Orderly Room.

10. Execute the acknowledgment and return it to me immediately.



_____, Maj, USAF
Commander, 36th Comptroller Flight

Attachments:

1. LOC, 28 August 1998
2. LOC, 20 October 1998
3. LOR, 9 December 1998
4. Article 15/UIF, 20 January 1999
5. LOR/UIF, 10 February 1999
6. LOR/UIF, 11 February 1999
7. Memo for record, 23 September 1998
8. Memo for record, 23 October 1998
9. Memo for record, 4 November 1998
10. Memo for record, 4 November 1998
11. Memo for record, 5 November 1998
12. Memo for record, 1 December 1998
13. Unfavorable Information File, 16 December 1998