

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE <div style="background-color: black; width: 100%; height: 15px;"></div>		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>	
TYPE: GEN		PERSONAL APPEARANCE			X RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No					
	X					
MEMBER SITTING				VOTE OF THE BOARD		
				HON	GEN	UOTHC
						OTHER
						DENY
						X
						X
						X
						X
						X
ISSUES <b>A94.53</b>		INDEX NUMBER <b>A67.10</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		
HEARING DATE <b>20 Nov 2003</b>		CASE NUMBER <b>FD-2003-00409</b>		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						
<p>Case heard at Washington, D.C.</p> <p>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</p> <div style="border: 1px dashed black; width: 100%; height: 40px; margin-top: 20px;"></div>						
INDORSEMENT				DATE: 11/20/2003		
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		

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD2003-00409</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDINGS:</b> Upgrade of discharge is denied.</p> <p>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.</p> <p>Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had an Article 15, three Letters of Reprimand, and a vacation of suspended punishment. His misconduct included four incidents of failure to go, failure to obey lawful orders, failing a pre-announced dormitory room inspection, failure to report an on-base traffic violation, sending pornographic images via his government computer e-mail system, and making a false official statement. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting retention, or in the alternative, an honorable discharge. Member was age 19 when his misconduct occurred, and there is no evidence he was immature or did not know right from wrong; he was essentially the same age as other airmen who adhere to the expected standards and are discharged honorably without any misconduct. The Board opined that through the unit's administrative actions, member had ample opportunity to correct his negative behavior, but he was either unable or unwilling to do so. After a thorough review of the records, the Board did not find any mitigation or extenuation to warrant an upgrade, and the records review disclosed no inequity or impropriety.</p> <p><b>CONCLUSIONS:</b> 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]  
[REDACTED]  
(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 13 Sep 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 20 Mar 81. Enlmt Age: 18 2/12. Disch Age: 19 5/12. Educ: HS DIPL. AFQT: N/A. A-97, E-41, G-50, M-30. PAFSC: 3S031 - Personnel Apprentice. DAS: 12 Nov 99.

b. Prior Sv: (1) AFRes 22 May 99 - 13 Jul 99 (1 Month 22 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 14 Jul 99 for 4 yrs. Svd: 1 Yr 2 Mos 2 Das, all AMS.

b. Grade Status: AB - 15 Mar 00 (Vacation of Article 15, 12 Jun 00)  
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 12 Jun 00, Vacation, Lackland AFB, TX - Article 92. You, having knowledge of a lawful order issued by SMSgt [REDACTED] to report to a scheduled open ranks inspection at 0715 hours at building 5616, an order which it was your duty to obey, did on or about 23 May 00, fail to obey the same. You, having knowledge of a lawful order issued by SMSgt [REDACTED] to report to a scheduled change of command practice at 0800 hours at the 37<sup>th</sup> Support Group, building 1000, an order which it was your duty to obey, did on or about 18 May 00, fail to obey the same. Reduction to AB. (No appeal) (No mitigation)

(2) 14 Mar 00, Lackland AFB, TX - Article 92. You, who knew of your duties, on or about 25 Jan 00, were derelict in the performance of those duties in that you willfully failed to refrain from sending pornographic images titled "freakshow.mpeg" to AMN [REDACTED] via your government e-mail system, as it was your duty to do. Article 107. You did, on or about 8 Feb 00, with intent to deceive, make to MSgt [REDACTED], an official statement, to wit: "I did not send any pornographic material via my government computer to anyone at anytime", or words to that effect, which

statement was totally false, and was then known by you to be so false. Suspended reduction to AB. (No appeal) (No mitigation)

- e. Additional: LOR, 10 AUG 00 - Late for a mandatory formation and failed dormitory room inspection.  
LOR, 26 JUL 00 - Failure to report a traffic violation.  
LOR, 24 MAY 00 - Late for open ranks formation.

f. CM: None.

g. Record of SV: None.

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR

i. Stmt of Sv: TMS: (1) Yrs (3) Mos (23) Das  
TAMS: (1) Yrs (2) Mos (2) Das

- 4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Aug 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**

None.

17 Sep 03/cr



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

14 AUG 2000

MEMORANDUM FOR [REDACTED]

FROM: 37 MSS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for **Misconduct—Minor Disciplinary Infractions**. The authority for this action is AFPD 36-32 and AFI 36-3208, **paragraph 5.49**. If my recommendation is approved your service will be characterized as Honorable or General. I am recommending that your service be characterized as an Under Honorable Conditions (General) discharge.

2. My reasons for this action are:

a. On or about 25 Jan 00 you sent pornographic material over the Internet via your government computer. For this you received an Article 15 resulting in the reduction to grade of E-1, suspended until 13 Sep 00. An Unfavorable Information File (UIF) was established and this action was placed in it.

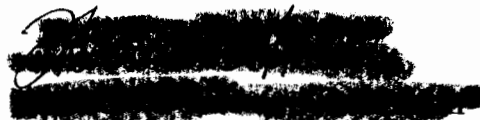
b. On 24 May 00, you received a Letter of Reprimand (LOR) for failure to attend a Change of Command Practice on 18 May 00 and for failure to report on 23 May 00 to a mandatory open ranks formation. You received an LOR added to existing UIF, and a vacation of your suspended nonjudicial punishment, resulting in demotion from Amn to AB.

c. On 26 Jun 00, you received an LOR for failure to report a traffic violation you were given on 2 Jul 00. You disobeyed a lawful order by doing so. At this time, you were verbally counseled that this was your last chance that any additional disciplinary problems would result in a recommendation for your administrative separation. This LOR was added to your existing UIF.

d. On 10 Aug 00, you received an LOR for failure to report on time to a mandatory function, squadron physical conditioning and for receiving an unsatisfactory rating during the 4 Aug 00 room inspections. This LOR was added to your existing UIF

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. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 the Area Defense Counsel (ADC) by telephone at DSN 473-2924. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statement you want the separation authority to consider must reach me by 0800 hours on 18 Aug 00 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 Reid Clinic at 0700 on 15 Aug 00 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 Squadron Commander's Support Staff office.
8. Execute the attached acknowledgement and return it to me immediately.



Squadron Section Commander

## Attachments:

1. Article 15, AF Form 3070, 14 Mar 00, w/atchs
2. LOR/UIF, AF Form 1058, 24 May 00, w/atchs
3. LOR/UIF, AF Form 1058, 26 Jul 00, w/atchs
4. LOR/UIF, AF Form 1058, 10 Aug 00, w/atchs