

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]
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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 A95.00	INDEX NUMBER A67.10	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			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE			

HEARING DATE 13 Jan 2004	CASE NUMBER FD-2003-00417
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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

INDORSEMENT		DATE: 01/12/2004
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

FD-2003-00417

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 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 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 two Article 15s for failure to go and for wrongfully using a government computer for personal use to access and view pornographic images. In addition, he received two Letters of Reprimand for a domestic abuse incident, unacceptable attitude, failure to maintain apartment and rental property, irresponsibility, and failure to go by missing three scheduled appointments. 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.

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]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 Nov 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 30 Mar 83. Enlmt Age: 17 4/12. Disch Age: 19 7/12. Educ: HS DIPL. AFQT: N/A. A-65, E-59, G-55, M-69. PAFSC: 3E731 - Fire Protection Apprentice. DAS: 14 Apr 02.

b. Prior Sv: (1) AFRes 25 Aug 00 - 16 Jul 01 (10 Months 22 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 17 Jul 01 for 4 yrs. Svd: 1 Yr 3 Mos 22 Das, all AMS.

b. Grade Status: AB - 16 Oct 02 (Article 15, 16 Oct 02)
AMN - 24 Sep 02 (Article 15, 24 Sep 02)
A1C - 17 May 02

c. Time Lost: None.

d. Art 15's: (1) 16 Oct 02, Columbus AFB, MS - Article 92. You, did, from on or about 13 Apr 02 to on or about 7 Oct 02, violate a lawful general regulation, to wit: paragraph 6.1.3 of AFI 33-129, Transmission of Information Via the Internet, dated 4 Apr 01, by wrongfully using a government computer for personal use to access and view pornographic images. Reduction to AB. (No appeal) (No mitigation)

(2) 24 Sep 02, Columbus AFB, MS - Article 86. You, did, on or about 7 Sep 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AMN, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 24 JUN 02 - Failure to go by missing three scheduled appointments.

LOR, 07 JUN 02 - Domestic abuse incident, unacceptable attitude, failure to maintain apartment and rental property, and irresponsibility.

f. CM: None.

g. Record of SV: None.

(Discharged from Columbus AFB)

h. Awards & Decs: NDSM.

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (14) Das
TAMS: (1) Yrs (3) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Jun 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH

1. Applicant's Statement.

10 Oct 03/cr



FD2003-00417
DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 14TH FLYING TRAINING WING
COLUMBUS AIR FORCE BASE MISSISSIPPI

21 Oct 02

MEMORANDUM FOR AB [REDACTED]

FROM: 14 CES/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, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, Misconduct, 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 general.

2. My reasons for this action are:

a. On 5 Jun 02, investigation revealed that you were involved in a borderline domestic abuse incident. Your behavior while attending the First Term Airman's Center (FTAC) was unacceptable. Investigation also revealed that you failed to remove all of your personal property from your off base apartment as well as clean the apartment upon your termination of the accommodations, as set forth in your rental agreement. It was also disclosed to the unit that you still had in your possession, a set of keys to another rental property that you were no longer occupying, which prevented the rental agency's rental of the property. As a result of your actions, you were given a Letter of Reprimand, dated 7 Jun 02 and an Unfavorable Information File was established. (Atch 1)

b. From 13 Jun 02 through 14 Jun 02, you missed two scheduled appointments. On 13 Jun 02, you failed to show for a fire safety briefing at your military family housing unit. You were given an order by the Deputy Fire Chief, MSgt [REDACTED] to attend an appointment at the Military Family Housing Office on 14 Jun 02; however, you failed to attend. As a result of your failures, you were given a Letter of Reprimand, dated 24 Jun 02. (Atch 2)

c. You, did, at or near Columbus AFB, Mississippi, on or about 7 Sep 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: The fire department, building 830, Columbus AFB, Mississippi. For your failure, you were given nonjudicial punishment. As a result of the nonjudicial punishment, you were reduced to the grade of Airman and given a reprimand. (Atch 3)

d. You, did, at or near Columbus Air Force Base, Mississippi, from on or about 13 April 2002 to on or about 7 October 2002, violate a lawful general regulation, to wit: paragraph 6.1.3 of AFI 33-129, *Transmission of Information Via the Internet*, dated 4 April 2001, by wrongfully using a government computer for personal use to access and view pornographic images. As a result, you received nonjudicial punishment. Your punishment consisted of reduction to Airman Basic. (Atch 4)

3. 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 discharge will be characterized. 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.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. Please consult the Area Defense Counsel at Keesler AFB at DSN 597-2429 or (228) 377-2429. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by **COB 24 Oct 02** (three workdays from your receipt of this notification memorandum) unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. 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.
7. You have been scheduled for a medical examination. You must report to the Columbus AFB Clinic, Physical Exam Section at **0810 on Thursday, 24 Oct 02** for the examination. You are required to fast for the 12 hours preceding this appointment. Additionally, if you wear eyeglasses or contact lenses, please bring them to the appointment.
8. 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 unit personnel office.
9. Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Commander

Attachments:

1. Letter of Reprimand, dated 7 Jun 02
2. Letter of Reprimand, dated 24 Jun 02 w/UIF Summary
3. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 24 Sep 02 w/evidence
4. AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 16 Oct 02 w/evidence
5. Airman's Receipt of Notification Memorandum