

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE		AFSN/SSAN	
[REDACTED]		AMN		[REDACTED]	
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
					DENY
					X
					X
					X
					X
					X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD	
A95.00		A67.10		1 ORDER APPOINTING THE BOARD	
		A61.00		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		CASE NUMBER			
15 Jan 2004		FD-2003-00447			
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					
[REDACTED]					
INDORSEMENT			DATE: 01/14/2004		
TO:			FROM:		
SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002		

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2003-00447**

**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.

**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 failure to go twice and for making a false official statement. In addition, he received one Letter of Reprimand for dereliction of duty by over abusing over-the-counter dietary supplements, and a Letter of Counseling for collecting and keeping personal and privacy act information on another airman and her family. 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]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 Jan 03 UP AFI 36-3208, para 5.49 & 5.51.1 (Misconduct - Minor Disciplinary Infractions and Civilian Conviction). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Sep 81. Enlmt Age: 18 3/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-71, E-92, G-72, M-76. PAFSC: 1N531 - Electronic Signal Intelligence Exploit Apprentice. DAS: 20 Apr 01.

b. Prior Sv: (1) AFRes 13 Dec 99 - 28 Mar 00 (3 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Mar 00 for 6 yrs. Svd: 2 Yrs 9 Mo 29 Das, of which AMS is 2 yrs 9 months 13 days (excludes 17 days lost time).

b. Grade Status: AMN - 14 May 02 (Article 15, 14 May 02)  
A1C - 12 May 00

c. Time Lost: 7 Jun 02 thru 23 Jun 02 (17 days).

d. Art 15's: (1) 14 May 02, Wright-Patterson AFB, OH - Article 86. You, did, on or about 4 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty. You, did, on or about 29 Apr 02, without authority, fail to go at the time prescribed to your appointed place of duty. Article 107. You, did, on or about 4 Apr 02, with intent to deceive, make to SSgt [REDACTED] an official statement, to wit: "I had to go talk to somebody at NAIC to see if my clearance was in", which statement was totally false and was then known by you to be so false. Reduction to Airman, suspended reduction to AB, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 28 MAY 02 - Dereliction of duty.  
LOC, 28 MAY 02 - Collecting and keeping personal and Privacy Act information on another Airman and her family.

f. CM: None.

g. Record of SV: 29 Mar 00 - 29 Dec 01 Wright-Patterson AFB 3 (HAF Dir)

30 Dec 01 - 29 Dec 02 Wright-Patterson AFB 1 (Annual) REF

(Discharged from Wright-Patterson AFB)

h. Awards & Decs: AFTR, NDSM, AFOEA.

i. Stmt of Sv: TMS: (3) Yrs (1) Mos (16) Das  
TAMS: (2) Yrs (9) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Sep 03.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**  
None.

11OCT03/ia



DEPARTMENT OF THE AIR FORCE  
AIR INTELLIGENCE AGENCY

22 Jan 03

MEMORANDUM FOR AMN [REDACTED]

FROM: NAIC/CCO

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Civilian Conviction (paragraph 5.51.1); and Misconduct – Minor Disciplinary Infractions (paragraph 5.49), with Civilian Conviction (paragraph 5.51.1) as the primary reason. The authority for this action is AFD 36-32 and AFI 36-3208. If my recommendation is approved, your service will be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 3 Nov 01, you violated Article 92 of the UCMJ by abusing an over the counter dietary supplement. For this violation you received a Letter of Reprimand dated 28 May 02.

b. On or about 5 May 01, NAIC was contacted by the First Sergeant from the 74<sup>th</sup> Medical Support Squadron concerning your relationship with an Airman [REDACTED], a Phase II medical student assigned to the 74<sup>th</sup> Medical Support Squadron. According to the complaint, Airman [REDACTED] had recently discovered you were keeping a dossier on her, her friends, her family, and co-workers. As a result of these actions, you received a Letter of Counseling dated 28 May 02.

c. On or about 4 Apr 02 and 29 Apr 02, you violated Article 86 of the UCMJ by failing to go at the time prescribed to your place of duty, building 4000/Gate 26-C, Area C, Wright-Patterson Air Force Base Ohio and on 4 Apr 02 you violated Article 107 of the UCMJ by making a false official statement to SSgt [REDACTED]. For these violations you received nonjudicial punishment dated 22 May 02.

d. On or about 25 Nov 02, you plead guilty to and were convicted of Burglary by the Circuit Court of the Eleventh Judicial Circuit, Woodford County, Illinois. As a result, this administrative discharge action has been initiated.

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 service 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. Military legal counsel, Captain [REDACTED] Area Defense Counsel, Building 199, Kittyhawk Area, Wright-Patterson AFB, OH, (937) 257-7841, has been obtained to assist you. An appointment has been scheduled for you to consult him on 22 Jan 03 at 1000. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within 3 working days of your receipt of this letter, unless you request and receive an extension for good cause shown. I will send your statements 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 must schedule yourself for a medical examination through Tricare or your Primary Care physician.

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 orderly room.

[REDACTED]  
[REDACTED] USAF  
Commander, Hq Sq Section

Attachments:

1. Letter of Reprimand, 28 May 02
2. Letter of Counseling, 28 May 02
3. AF Form 3070, Record of Nonjudicial Punishment, 22 May 02
4. Court Order to Probation, 25 Nov 02