

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> AB	<b>AFSN/SSAN</b> ████████████████
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<b>X</b>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A67.10	<b>INDEX NUMBER</b> A95.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

<b>HEARING DATE</b> 24 Feb 2004	<b>CASE NUMBER</b> FD-2003-00534	
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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

<b>INDORSEMENT</b>		<b>DATE: 2/24/2004</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2003-00534**

**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 an Article 15 for wrongfully downloading unauthorized and copyrighted files onto a government computer. In addition, she also received seven Letters of Reprimand, four Records of Individual Counseling, and a Memorandum for Record. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her 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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 7 Jun 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 Jul 79. Enlmt Age: 18 9/12. Disch Age: 22 10/12. Educ: HS DIPL. AFQT: N/A. A-90, E-27, G-36, M-16. PAFSC: 3A051 - Information Management Journeyman. DAS: 26 May 99.

b. Prior Sv: (1) AFRes 28 Apr 98 - 26 Jan 99 (8 Months 29 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 27 Jan 99 for 4 yrs. Svd: 3 Yrs 4 Mos 12 Das, all AMS.

b. Grade Status: AB - 2 May 02 (Article 15, 2 May 02)  
 A1C - 27 May 00  
 AMN - 27 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 2 May 02, Robins AFB, GA - Article 92. You did, on or about 2 Apr 02, violate a lawful regulation, to wit: paragraphs 6.1.1 and 6.1.5 of AFI 33-129, dated 4 Apr 01, by wrongfully downloading unauthorized and copyrighted files onto your government computer. Reduction to AB. (Appeal/Denied) (No mitigation)

e. Additional: ~~LOR, 14 NOV 01 - Substandard duty performance, failure to follow orders, disrespectful, and argumentative.~~

LOR, 12 JUL 01 - Failed dormitory room inspection.  
 LOR, 12 APR 01 - Failed dormitory room inspection.  
 LOR, 09 MAR 01 - Failure to obey an order.  
 LOR, 09 MAR 01 - Dereliction of duty.  
 RIC, 09 FEB 01 - Failure to follow dormitory regulation.  
 LOC, 26 JAN 01 - Dereliction of duty.  
 LOR, 18 JAN 01 - Failed dormitory room inspection.  
 LOR, 17 JAN 01 - Late for work.  
 LOR, 22 AUG 00 - Failed dormitory room inspection.  
 ROC, 05 OCT 99 - Failure to obey a direct order, and failure to complete CDC in a timely manner.  
 MFR, 26 AUG 99 - Uniform violation.

ROC, 13 AUG 99 - Failure to return to duty after an appointment.

f. CM: None.

g. Record of SV: 27 Jan 99 - 26 Sep 00 Robins AFB 3 (Initial)  
27 Sep 00 - 26 Sep 01 Robins AFB 2 (Annual) REF

(Discharged from Robins AFB)

h. Awards & Decs: AFTR, AFOUA W/2 OLC

i. Stmt of Sv: TMS: (4) Yrs (1) Mos (11) Das  
TAMS: (3) Yrs (4) Mos (12) Das

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

NO ISSUES SUBMITTED

**ATCH**  
None.

23 Dec 03/cr



DEPARTMENT OF THE AIR FORCE  
19<sup>th</sup> MAINTENANCE SQUADRON (AMC)  
ROBINS AIR FORCE BASE, GEORGIA

FD2003-00534

MEMORANDUM FOR AB [REDACTED]

FROM: 19 MXS/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, paragraph 5.49. If my recommendation is approved, your service will be characterized as General.
2. My reasons for this action are:
  - a. On or about 2 Apr 02, you did violate a lawful general regulation by wrongfully downloading unauthorized and copyrighted files onto your government computer. For this action you received an Article 15, Nonjudicial Punishment (NJP), dated 29 Apr 02. You received reduction to the grade of Airman Basic, with a new date of rank of 2 May 02. Your appeal was denied.
  - b. On 13 Nov 01, you were derelict in the performance of your duties by failing perform required duties and failing to follow verbal orders. For this action you were given a Letter of Reprimand (LOR), dated 14 Nov 01.
  - c. On 9 Jul 01, you failed your dormitory room inspection. For this action you received a LOR, dated 12 Jul 01.
  - d. On 22 Jun 01, an Unfavorable Information File (UIF) was established on your behalf.
  - e. On 12 Apr 01, you failed your dormitory room inspection. For this action you received an LOR, dated 12 Apr 01.
  - f. On 5 Mar 00, you were derelict in the performance of your duties by failing to obey order or regulation. For this action you were given a LOR, dated 9 Mar 01.
  - g. On 7 Mar 00, you were derelict in the performance of your duties by failing to inform your supervisor that you were placed on 24-hour quarters. For this action you received an LOR, dated 9 Mar 01
  - h. On 30 Jan 01, you failed your dormitory room inspection by failing to follow dorm regulations by having candles in your room. For this action you received a Record of Individual Counseling (ROC), dated 9 Feb 01.

- i. On 22 Jan 01, you were derelict in the performance of your duties by failing to complete your assigned duties and arriving late to your appointed place of duty. For this action you received an LOC, dated 26 Jan 01
- j. On 18 Jan 01, you failed your dormitory room inspection. For this action you received an LOR, dated 18 Jan 01.
- k. On 17 Jan 01, you were derelict in the performance of your duties by failing to go to your appointed place of duty. For this action you received a LOR, dated 17 Jan 01.
- l. On 17 Aug 00, you failed your dormitory room inspection. For this action you received an LOR, dated 22 Aug 00.
- m. On 5 Oct 99, you were derelict in the performance of your duties by failing follow a direct order and failing to complete your Volume 2 CDCs in a timely manner. For this action you received a ROC, dated 5 Oct 99.
- n. On 25 Aug 99, you were in direct violation of AFI 36-2903, Dress and Personal Appearance of Air Force Personnel, by not having command/group insignia patches on your Battle Dress Uniform. For this action two MFRs were added to your file, dated 26 Aug 99.
- o. On 13 Aug 99, you were derelict in the performance of your duties by failing to return to appointed place of duty after attending a medical appointment. For this action you received a ROC, dated 13 Aug 99.
- p. You received a referral Enlisted Performance Report during the period of 27 Sep 00 through 26 Sep 01 with a rating of 2. Your appeal was denied.

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.

4. 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, ph. [REDACTED] at building 368, on 23 May 02, at 1400 hours.** 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 within three duty days of the date of this letter unless you request and receive an extension for good cause. I will send them to the separation authority. 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 physical examination on 23 May 02, at 1120 hours. You must report to the Family Practice Section in building 700A. You must be in uniform and on time in order to keep the scheduled appointment.

7. You have been schedule for an initial briefing at separations with A1C [REDACTED] Bldg 905, [REDACTED] on 22 May 02 at 1400 hours. Please bring an escort from your unit for assistance.

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 at the Area Defense Counsel or your unit orderly room.

[REDACTED] Lt Col, USAF  
Commander

Attachments:

1. Supporting documents
  - a. AF Form 3070, Article 15, Nonjudicial Punishment, dtd 29 Apr 02
  - b. LOR, dtd 14 Nov 01
  - c. LOR, dtd 12 Jul 01
  - d. AF Form 1058, dtd 18 Jun 01
  - e. Ltr, dtd 12 Apr 01
  - f. LOR, dtd 9 Mar 01
  - g. LOR, dtd 9 Mar 01
  - h. AF Form 174, dtd 9 Feb 01
  - i. LOC, dtd 26 Jan 01
  - j. LOR, dtd 18 Jan 01
  - k. LOR, dtd 17 Jan 01
  - l. LOR, dtd 22 Aug 00
  - m. AF Form 174, dtd 5 Oct 99
  - n. AF Form 174, dtd 13 Aug 99
  - o. EPR, dtd 27 Sep 00 – 26 Sep 01
  - p. EPR, dtd 27 Jan 99-26 Sep 00
  - q. AF Form 931, Performance Feedback
2. Airman's Receipt of Notification Memorandum