

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
NAME OF COUNSEL AND OR ORGANIZATION						
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES	A92.21 A94.05	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	21 Jul 2004	CASE NUMBER	FD-2004-00131			

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

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDEN [REDACTED]
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INDORSEMENT	DATE: 7/21/2004
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-2004-00131

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge, 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 reason and authority for discharge, and change of reenlistment code is denied.

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.

ISSUES:

Issue 1. The applicant contends that the discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, and one Letter of Reprimand for misconduct. The misconduct included adultery, possession of a fraudulent government identification card, dereliction of duty, using a government computer to search for sexually explicit material on the internet, failure to obey a lawful order, leaving work early without permission, and failure to go. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The applicant stated that he has changed his life around after he was discharged from the military. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dover AFB, DE on 18 Jul 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOR: 8 Aug 76. Enlmt Age: 17 2/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-50, E-59, G-76, M-36. PAFSC: 3P032 - Law Enforcement Apprentice. DAS: 9 Dec 94.

b. Prior Sv: (1) AFRes 12 Oct 93 - 26 Jul 94 (9 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Jul 94 for 4 yrs. Svd: 2 Yrs 11 Mo 22 Das, all AMS.

b. Grade Status: AB - 5 Mar 97 (Article 15, 5 Mar 97)
 A1C - 27 Nov 95
 Amn - 27 Jan 95

c. Time Lost: None.

d. Art 15's: (1) 5 Mar 97, Dover AFB, DE - Article 134. You did, on or about 10 Jan 97, wrongfully possess with intent to deceive a certain instrument purporting to be a military identification card, you then well knowing the same to be false. Article 134. You did, on or about 21 Dec 96, wrongfully have sexual intercourse with [REDACTED], a married woman not your wife. Reduction to Airman. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 16 JUN 97 - Dereliction of duty, using a government owned computer to search for sexually explicit material on the internet, failure to obey a lawful order, leaving work early without permission, and failure to go.

f. CM: None.

g. Record of SV: 27 Jul 94 - 26 Mar 96 Dover AFB 4 (Initial)
 27 Mar 96 - 26 Mar 97 Dover AFB 2 (Annual) REF

h. Awards & Decs: AFTR, SWASM, NDSM, SAEMR W/DEV.

i. Stmt of Sv: TMS: (3) Yrs (9) Mos (6) Das
TAMS: (2) Yrs (11) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 APR 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority
for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Two Character References.

9JUN04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 436TH AIRLIFT WING (AMC)

FD 2004-00131

U.S. AIR FORCE



20 June 1997

MEMORANDUM FOR AB [REDACTED]

FROM: 436 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. My authority for this action is AFD 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 general.

2. My reason for this action is minor disciplinary infractions, as set forth below:

<u>DATE</u>	<u>INCIDENT</u>	<u>ACTION</u>	<u>ATCH</u>
21 Dec 96 & 10 Jan 97	Adultery & Possession of False ID Card	Article 15 w/atch dated 5 Mar 97	1a
7 - 9 Apr 97	Dereliction of duty Misuse of Govt. Equipment Disobeying a Lawful Order Failure to Go (2 counts)	LOR w/UIF dated 16 Jun 97	1b

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.

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, [REDACTED] Bldg. 206, Room 1, on 20 Jun 97 at 11:00 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 25 Jun 97 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 were scheduled for a medical examination on 2 May 1997.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use in the Orderly Room, building 910.



Attachments:

1. Supporting Documents:
 - a. Article 15 w/atch, dated 5 Mar 97
 - b. LOR w/UIF dated 16 Jun 97
2. Airman's Receipt of Notification Letter dated 20 Jun 97