

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHIC	OTHER	DENY
					X	
					X	
					X	
					X	
					X	
ISSUES A93.01		INDEX NUMBER A67.90		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		CASE NUMBER				
21 Dec 2005		FD-2005-00176				
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.						
Names and votes will be made available to the applicant at the applicant's request.						
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT		DATE: 12/21/2005				
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				

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 that neither the evidence of record nor that provided by the applicant substantiates an impropriety or inequity that would justify a change of discharge.

ISSUE: Applicant contends that his discharge has affected his life in a very negative way and that he made a very immature decision unaware of the consequences it would cost. The records indicated the applicant received an Article 15 for, on divers occasions covering a four month period, wrongfully using government computer hardware and software to transmit obscene, sexually explicit, pornographic material. The DRB recognized the applicant was 22 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was in the same age grouping as the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The Board concluded the misconduct was a significant departure from conduct expected of all military members and that the characterization of the discharge received by the applicant was found to be appropriate. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of any inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 A1C) (HGH SRA)

MISSING DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Whiteman AFB, MO on 16 Nov 01 UP AFI 36-3208 para 5.49 (Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 Jul 79. Enlmt Age: 18 1/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-51, E-67, G-46, M-82. PAFSC: 2A551K - Aerospace Maintenance B-1/B-2/B-52 Journeyman. DAS: 2 Jul 98.

b. Prior Sv: (1) AFRes 28 Aug 97 - 03 Feb 98 (5 mos 6 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Feb 98 for 4 years. Svd: 03 Yrs 09 Mo 13 Das, all AMS.

b. Grade Status: A1C - 14 Sep 01 (Article 15, 14 Sep 01)
SrA - 04 Feb 01
A1C - 04 Jun 99
Amn - 04 Aug 98

c. Time Lost: None.

d. Art 15's: (1) 14 Sep 01 - Whiteman AFB, MO - Article 92. You, did, between on or about 7 Apr 01 and 7 Aug 01, on divers occassions, violate a lawful general regulation, to wit: paragrph 6.1.3 Air Force Instruction 33-129, dated 4 Apr 01, by wrongfully using government computer harware and software to transmit obscene, sexually explicit, pornographic materials. Reduction to A1C. Thirty days extra duty and 30 days restriction to base. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 04 Feb 98 - 03 Oct 99 Whiteman AFB 4 (Initial)
04 Oct 99 - 03 Oct 00 Whiteman AFB 4 (Annual)
04 Oct 00 - 03 Oct 01 Whiteman AFB 2 (Annual) REF

h. Awards & Decs: AFAM, AFTR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (04) Yrs (02) Mos (19) Das
TAMS: (03) Yrs (09) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Apr 05.
(Change Discharge to Honorable)

Issue 1: My discharge for misconduct has affected my life in a very negative way. During this time I made a very immature decision unaware of the consequences (sic) it would cost.

ATCH

None.

3Aug05/day