

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
		A1C				
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		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	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A94.06	A67.10	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					
08 Dec 2005	FD-2005-00219					

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
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INDORSEMENT		DATE: 12/12/2005
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-2005-00219**

**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:** The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization inequitable.

**ISSUE:** Applicant does not contest his discharge. He states that he would like an upgrade in order to obtain his GI Bill benefits. The records indicated the applicant received an Article 15 for failure to go. He also received three Letters of Reprimand and two Records of Individual Counseling for various misconduct. The DRB noted that the reason for the discharge was for the Letter of Reprimand dated 8 Dec 99 for visiting inappropriate websites and failure to report for baggage duty. This incident was over a year since the last incident of misconduct (the Article 15). Since his discharge, the applicant has had significant post-service conduct, which the DRB opined showed that the misconduct while in the service was not indicative of the members conduct now. The Board does not condone the visiting of inappropriate websites; however, they also concluded the characterization of the discharge received by the applicant was found to be too harsh.

**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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge under the provisions of Title 10, USC 1553.

Attachment:  
Examiner's Brief

**DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD**

(Former A1C) (HGH A1C)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Scott AFB, IL on 4 Jan 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

**2. BACKGROUND:**

a. DOB: 24 Jul 79. Enlmt Age: 17 3/12. Disch Age: 20 5/12. Educ: HS DIPL. AFQT: N/A. A-79, E-65, G-74, M-68. PAFSC: 3C031 - Communications/Computer Systems Operations Apprentice. DAS: 24 Feb 98.

b. Prior Sv: (1) AFRes 26 Oct 96 - 16 Sep 97 (10 months 22 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Sep 97 for 4 yrs. Svd: 2 Yrs 3 Mo 19 Das, all AMS.

b. Grade Status: A1C - 3 May 99  
Amn - (EPR Indicates): 17 Sep 97-16 May 99

c. Time Lost: None.

d. Art 15's: (1) 4 Nov 98, Scott AFB, IL - Article 86. You did, on or about 13 Oct 98, without authority, fail to go at the time prescribed to building 1535, to wit: for your dental appointment. Suspended reduction to AB. Five days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 08 DEC 99 - Visiting inappropriate websites and failure to report for duty.  
LOR, 01 SEP 98 - Late for duty.  
LOR, 01 SEP 98 - Failure to obey a direct order.  
RIC, 03 AUG 98 - Dereliction of duty.  
RIC, 30 JUN 98 - Missed two required appointments.

f. CM: None.

g. Record of SV: 17 Sep 97 - 16 May 99 Scott AFB 3 (Initial)

h. Awards & Decs: JMUAR, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (10) Das  
TAMS: (2) Yrs (3) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Jun 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. College Transcripts.
3. Two Character References.
4. National Dean's List.
5. Advertisement.
6. College Certificate of Admission.

7JUL05/ia

**APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES**  
*(Please read instructions on Pages 3 and 4 BEFORE completing this application.)*

*Form Approved  
OMB No. 0704-0004  
Expires Aug 31, 2006*

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

**PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 U.S.C. 1553; E.O. 9397.  
**PRINCIPAL PURPOSE(S):** To apply for a change in the characterization or reason for military discharge issued to an individual.  
**ROUTINE USE(S):** None.  
**DISCLOSURE:** Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

**1. APPLICANT DATA** *(The person whose discharge is to be reviewed).* **PLEASE PRINT OR TYPE INFORMATION.**

<b>a. BRANCH OF SERVICE</b> <i>(X one)</i>	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input checked="" type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
<b>b. NAME</b> <i>(Last, First, Middle Initial)</i>	<b>c. GRADE/RANK AT DISCHARGE</b>			<b>d. SOCIAL SECURITY NUMBER</b>	
[REDACTED]	E-3/AFC			[REDACTED]	

<b>2. DATE OF DISCHARGE OR SEPARATION</b> <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>	<b>4. DISCHARGE CHARACTERIZATION RECEIVED</b> <i>(X one)</i>		<b>5. BOARD ACTION REQUESTED</b> <i>(X one)</i>
	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE	
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS	
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>	
<b>3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION</b> USTRANSCOM J2-YC Scott AFB, IL	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>		<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:
	<input type="checkbox"/> UNCHARACTERIZED		
	<input type="checkbox"/> OTHER <i>(Explain)</i>		

**6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST** *(Continue in Item 14. See instructions on Page 3.)*

While I was in the Air Force I was in an honor flight in basic training and received my assignment to USTRANSCOM as a special duty assignment based on my tech school grade. I believe that I have been a model citizen since the time of my discharge. I was the 2004-2005 Student Government Association Treasurer at Central Piedmont Community College, and am still a member of the

**7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) \_\_\_\_\_ AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.**

**8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE:** *(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)*

1. Report card from CPCC showing 3.5 GPA      4. NCBookSwap.com flyer  
 2a, 2b. Letters of Recommendation for college.      5. Acceptance Letter to University of Arizona  
 3. National Deans List notification letter

**9. TYPE OF REVIEW REQUESTED** *(X one)*

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR *(counsel/representative)* WILL NOT APPEAR BEFORE THE BOARD.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO *(enter city and state)* (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

<b>10.a. COUNSEL/REPRESENTATIVE</b> <i>(If any) NAME</i> <i>(Last, First, Middle Initial) AND ADDRESS</i> <i>(See Item 10 of the instructions about counsel/representative.)</i>	<b>b. TELEPHONE NUMBER</b> <i>(Include Area Code)</i>
	<b>c. E-MAIL</b>
	<b>d. FAX NUMBER</b> <i>(Include Area Code)</i>

**11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW.** If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name *(print)* \_\_\_\_\_ and relationship by marking a box below.

SPOUSE    WIDOW    WIDOWER    NEXT OF KIN    LEGAL REPRESENTATIVE    OTHER *(Specify)*

<b>12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE</b> <i>(Forward notification of any change in address.)</i>	<b>b. TELEPHONE NUMBER</b> <i>(Include Area Code)</i>
	<b>c. E-MAIL</b>
	<b>d. FAX NUMBER</b> <i>(Include Area Code)</i>

<b>13. CERTIFICATION.</b> I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. <i>(U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)</i>	<b>CASE NUMBER</b> <i>(Do not write in this space.)</i>
	FD2005-00219
<b>a. SIGNATURE - REQUIRED</b> <i>(Applicant or person in Item 11 above)</i>	<b>b. DATE SIGNED - REQUIRED</b> <i>(YYYYMMDD)</i>
[REDACTED]	2005/06/02

**14. CONTINUATION OF ITEM 6, ISSUES (If applicable)**

Phi Theta Kappa Honor Society. I am a member of the National Deans List. I have volunteered on many occasions at places like habitat for humanity and have developed and operate a free statewide book swapping service for NC students called NCBookSwap.com. This saves every student who uses it hundreds each semester. I am going to the University of Arizona this fall and will have to take loans of over \$15,000 this year alone. I have filled out the FAFSA financial aid application and have already received all the help I will get from it. I will double major in Physics and Psychology which I carry a 3.5 GPA for. I am a serious student and plan to bring that GPA up! I plan to extend the NCBookSwap.com site to Arizona and other states to sell advertisement and offer scholarships as the sites will always be non-profit. I need all the help I can get now so that I can help more people later. In the last year as treasurer I have come to greatly appreciate what service to the community is and how great the opportunities can be. I humbly ask that you find that I am worthy of an honorable discharge so that I can use the G.I. Bill money which I have paid into the system for. I assure you I will use the opportunities given to help as many people as possible. Thank you for your time and consideration.

**15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)**

**16. REMARKS (If applicable)**

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

**ARMY**

Army Review Boards Agency  
 Suppgrt Division, St. Louis  
 9700 Page Avenue  
 St. Louis, MO 63132-5200  
 (See <http://arba.army.pentagon.mil>)

**NAVY AND MARINE CORPS**

Naval Council of Personnel Boards  
 720 Kennon Street, S.E.  
 Room 309 (NDRB)  
 Washington Navy Yard, DC 20374-5023

**AIR FORCE**

Air Force Review Boards Agency  
 SAF/MRBR  
 550-C Street West, Suite 40  
 Randolph AFB, TX 78150-4742

**COAST GUARD**

U.S. Coast Guard  
 Commandant (G-WPM)  
 2100 Second Street, S.W. Room 5500  
 Washington, DC 20593

MEMORANDUM FOR AIC [REDACTED] USTC AFELM

FROM: USTC AFELM/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 may be characterized as honorable, under honorable conditions (general) or under other than honorable conditions. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 7 Oct 99 and on or about 1 Nov 99, you utilized a government provided computer to visit several inappropriate websites. For this misconduct, you received a Letter of Reprimand (LOR), dated 8 Dec 99. (See Atch 1). Also included on the 8 Dec 99 LOR, you were reprimanded for failing to report for assigned baggage detail duty on 16 Oct 99.

b. On or about 13 Oct 98, you did fail to go for your dental appointment. For this misconduct, you received an Article 15, dated 4 Nov 98. (Atch 2).

c. On or about 20 Aug 98, you failed to report for duty at the prescribed hour. For this misconduct, you received a Letter of Reprimand (LOR), on or about 1 Sep 98. (See Atch 3).

d. On or about 17 Aug 98, you were told by your supervisor you needed to attend a mandatory Health Assessment appointment and you needed to meet with a McKendree College representative to discuss your status at the school. You failed to obey your supervisor's direct order to attend the aforementioned appointments. For this misconduct, you received a Letter of Reprimand (LOR) on or about 1 Sep 98. (See Atch 4).

e. On or about 3 Aug 98, you admitted to sleeping during your duty hours. For this misconduct, you received a Letter of Counseling (LOC) dated 3 Aug 98. (Atch 5).

f. From on or about 1 Mar 98 to on or about 30 Jun 98, you failed to go to two required Dental Appointments. For this misconduct, you received a Letter of Counseling (LOC) dated 30 Jun 98. (See Atch 6).

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. 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 with the Area Defense Counsel, Bldg 7, on \_\_\_\_\_ at \_\_\_\_\_ hrs. 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 with in 3 duty days of your receipt of this letter 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.

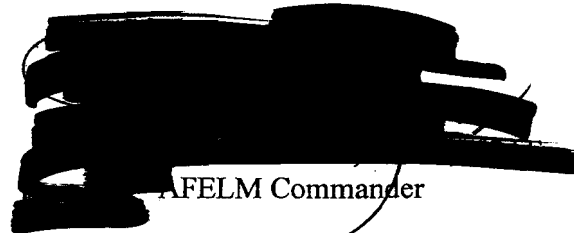
7. You have been scheduled for a medical examination. You must report to the 375th Medical Group, Physical Examinations Section, on \_\_\_\_\_ at \_\_\_\_\_ hrs for the examination. You also have a doctor's appointment scheduled on \_\_\_\_\_ at \_\_\_\_\_ hrs.

8. The Privacy Act Statement as explained in AFI 36-3208 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

9. You must take the following actions:

a. You will report to the Transportation Management Office (TMO), Outbound Assignments, to complete a Scott Air Force Base Form 241/Personal Property Appointment Sheet. That worksheet must be completed and returned to TMO as soon as you receive your separation orders.

b. You will report before close of business tomorrow (or the next duty day) to Special Actions at Military Pay, Bldg P-10, room C201, to make arrangements concerning your military pay.

 AFELM Commander

Attachments:

1. LOR, dated 8 Dec 99
2. Art 15, dated 4 Nov 98 w/response
3. LOR, dated approximately 1 Sep 98
4. LOR, dated approximately 1 Sep 98
5. LOC, dated 3 Aug 98
6. LOC, dated 30 Jun 98
7. Airman's Acknowledgement