

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST FIRST MIDDLE INITIAL) \_\_\_\_\_ GRADE \_\_\_\_\_

AMN \_\_\_\_\_

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	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.21 A93.01	INDEX NUMBER A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
		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 13 Feb 2006	CASE NUMBER FD-2005-00297
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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.

Names and votes will be made available to the applicant at the applicant's request.

\_\_\_\_\_  
SIGNATURE OF BOARD PRESIDENT

INDORSEMENT		DATE: 2/15/2006
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-2005-00297**

**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 inequity or impropriety that would justify a change of discharge.

**ISSUE:**

1. Applicant contends that he is more responsible now and has learned from his past mistakes. The records indicated the applicant received two Article 15s, five Letters of Reprimand, four Letters of Counseling, and two Records of Individual Counseling for misconduct. The misconduct included writing a check for \$883.59 and not having sufficient funds for payment of the said check, downloading and printing hate and racist literature on a government computer, missed appointments, dereliction of duty, unauthorized use of a government computer, failure to obey a direct order on divers occasions, financial irresponsibility, insubordination, failure to obey a lawful order, backing a government vehicle without a spotter, inappropriate e-mail, disrespect to a non-commissioned officer, and misuse of a government vehicle. 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.

2. The DRB was pleased to see that the applicant was doing well post-service and has a job with the Army National Guard. 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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Scott AFB, IL on 22 Aug 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Mar 80. Enlmt Age: 18 8/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-70, E-79, G-52, M-45. PAFSC: 2T131 - Vehicle Operations Apprentice. DAS: 01 Jun 99.

b. Prior Sv: (1) AFRes 30 Nov 98 - 15 Dec 98 (16 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 16 Dec 98 for 6 yrs. Svd: 02 Yrs 08 Mo 07 Das, all AMS.

b. Grade Status: Amn - 02 Aug 01 (Article 15, 02 Aug 01)  
A1C - 28 Mar 99

c. Time Lost: None.

d. Art 15's: (1) 02 Aug 01, Scott AFB, IL - Article 123a. You, did, on or about 15 Jun 01, with intent to defraud and for the procurement of things of value, wrongfully and unlawfully make to Midas, a certain check drawn upon Scott Credit Union in words and figures as follow, to wit: Check #183, in the amount of \$883.59, dated 15 Jun 01, then knowing that you, the maker thereof, did not or would not have sufficient funds in or credit with such bank for the payment of the said check in full upon its presentment. Reduction to Airman, and 30 days restriction. (No appeal) (No mitigation)

(2) 03 May 00, Scott AFB, IL - Article 92. You did, on or about 16 Apr 00, violate a lawful general regulation, to wit: paragraph 6.1.3 of AFI 33-129, Transmission of Information via the Internet, dated 1 Aug 99, by wrongfully downloading and printing on a government provided computer "hate and racist literature." Suspended reduction to Airman. Forfeiture of \$50.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOC, 20 JUL 01 - Missed appointment.

LOC, 06 JUN 01 - Dereliction of duty.  
 LOR, 31 MAY 01 - Unauthorized use of a government computer.  
 LOR, 16 MAY 01 - Failure to obey a direct order on divers occasions.  
 LOC, 05 MAR 01 - Financial irresponsibility.  
 LOR, 12 FEB 01 - Dereliction of duty.  
 LOC, 09 FEB 01 - Insubordination and failure to obey a lawful order.  
 LOR, 30 JAN 01 - Backing a government vehicle without the use of a spotter.  
 RIC, 02 JAN 01 - Inappropriate E-mail and disrespect towards an NCO  
 LOR, 22 DEC 00 - Misuse of a government vehicle.  
 RIC, 12 DEC 00 - Backing a government vehicle without the use of a spotter.

f. CM: None.

g. Record of SV: 16 Dec 98 - 15 Aug 00 Scott AFB 2 (Initial)REF  
 16 Aug 00 - 23 Jan 01 Scott AFB 4 (CRO)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (02) Yrs (08) Mos (24) Das  
 TAMS: (02) Yrs (08) Mos (07) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Jul 05.  
 (Change Discharge to Honorable)

Issue 1: Am more responsible. Learned from mistakes. Now in Army National Guard.

**ATCH**  
 None.

30AUG05/ia

MEMORANDUM FOR <sup>Army.</sup> AIC

375 TRANS,

8 Aug 2001

FROM: 375 TRANS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, paragraph 5.49. If my recommendation of discharge is approved, your service may be characterized as honorable, under honorable conditions (general) or under other than honorable conditions (UOTHC). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 15 Jun 01, you did wrongfully and unlawfully make to Midas, a certain check drawn upon Scott Credit Union then knowing that you would not have sufficient funds or credit with Scott Credit Union of payment of the said check. For this offense you received Non-judicial Punishment, dated 27 Jul 01 (Atch 1/A).

b. On or about 20 Jul 01, you missed a scheduled dental appointment. For this offense you received a Letter of Counseling, dated 20 Jul 01 (Atch 1/B).

c. On or about 6 Jun 01, you failed to clean and service a vehicle after using it. For this offense you received a Letter of Counseling, dated 6 Jun 01 (Atch 1/C).

d. On or about 23 Dec 00, you e-mailed a St. Louis based escort service requiring the use of an escort for a New Years Eve party using a government computer. For this offense you received a Letter of Reprimand, dated 31 May 01 (Atch 1/E).

e. On divers occasions between on or about 1 Apr 01 to on or about 16 May 01, you failed to obey a direct order from a Non-Commissined Officer to obtain insurance on your vehicle, to get proper license plates and not to drive vehicle until this action were completed. For this offense you received a Letter of Reprimand, dated 16 May 01 (Atch 1/F).

f. On or about 21 Oct 00 and on or about 21 Feb 01, you failed to make monthly payments on your Military Star Account. For this offense you received a Letter of Counseling, dated 5 Mar 01 (Atch 1/H).

g. On or about 12 Jan 01, you failed to properly perform the operator's daily inspection or the monthly tire pressure check on a government vehicle and signed the AF Form 1800 signifying

that you had accomplished the vehicle inspection. For this offense you received a Letter of Reprimand, dated 12 Feb 01 (Atch 1/I).

h. On or about 9 Feb 01, you displayed insubordinate conduct and failed to obey a lawful order. For this offense you received a Letter of Counseling, dated 9 Feb 01 (Atch 1/J).

i. On or about 30 Jan 01, you backed a government vehicle without the use of a spotter. For this offense you received a Letter of Reprimand, dated 30 Jan 01 (Atch 1/K).

j. On or about 29 Dec 00, you sent an e-mail to a Non-Commissioned Officer "ordering" him to change the schedule to fit your desires. For this offense you received a Letter of Counseling, dated 2 Jan 01 (Atch 1/L).

k. On or about 20 Dec 00, you misused a government vehicle. For this offense you received a Letter of Reprimand, dated 22 Dec 00 (Atch 1/M).

l. On or about 11 Dec 00, you backed a government vehicle without the use of a spotter. For this offense you received a Letter of Counseling, dated 12 Dec 00 (Atch 1/N).

m. On or about 16 Apr 00, you violated a lawful general regulation by wrongfully downloading and printing on a government-provided computer inappropriate literature. For this offense you received Non-Judicial Punishment, dated 20 Apr 00 (Atch 1/G).

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, Building 7, Scott AFB, IL, DSN 576-3246 on 8 Aug 01 at 17:00 hrs. You may consult civilian counsel at your own expense.

5. You must report to the 375th Medical Group, Physical Examinations Section with your medical records for a doctor to determine if further action is required.

6. You will report before close of business tomorrow (or the next duty day) to the Transportation Management Office (TMO), building P-10, Outbound Assignments, to complete a Scott Air Force Base Form 241/Personal Property Appointment Sheet. That worksheet must be completed and returned to TMO within 5 days.

7. You will call before close of business tomorrow (or the next duty day) to Special Actions at, military pay, Bldg P-10, to make arrangements concerning your military pay.

8. 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 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.

9. 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.

10. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

Commander  
Maj, USAF

Attachments:

1. Supporting Documents
2. Airman's Acknowledgement