

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE <b>AMN</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---	---------------------	---

<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
<b>X</b>			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X*
					X*
					X*
					X*
					X*

ISSUES <b>A94.05</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:20px; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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 <b>24 Aug 2006</b>	CASE NUMBER <b>FD-2005-00447</b>	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in 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.

\*Reason and Authority

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---	--

<b>INDORSEMENT</b>		<b>DATE: 8/28/2006</b>
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-2005-00447**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 are 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:**

Although not explicitly stated, applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant was discharged for misconduct as a result of minor disciplinary infractions. He received two Article 15's and a Letter of Reprimand for misconduct. The first Article 15 was for being derelict in the performance of duties by shredding active medical documents. He received a suspended reduction to airman, forfeiture of pay and 30 days of extra duty. The second Article 15 was for driving under the influence of alcohol. He was punished with a reduction in grade to airman, 20 days extra duty of which 10 days was suspended and a reprimand. The Letter of Reprimand was for unauthorized use of a government computer by downloading and playing video games. 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.

**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 USAF Wright-Patterson AFB, OH on 5 May 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 7 Sep 83. Enlmt Age: 17 9/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-57, E-55, G-50, M-27. PAFSC: 4A051 - Health Services Management Journeyman. DAS: 24 Jun 02.

b. Prior Sv: (1) AFRes 31 Jul 01 - 6 Feb 02 (6 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Feb 02 for 4 yrs. Svd: 03 Yrs 02 Mo 29 Das, all AMS.

b. Grade Status: Amn - 24 Jan 05 (Article 15, 24 Jan 05)  
A1C - 07 Jun 03  
Amn - 07 Aug 02

c. Time Lost: None.

d. Art 15's: (1) 24 Jan 05, Wright-Patterson AFB, OH - Article 111. You, did, on or about 18 Dec 04, operate a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was 0.138 grams of alcohol per 210 liters of breath as shown by chemical analysis. Reduction to Amn. Twenty days extra duty (in excess of 10 days suspended). Reprimand. (No appeal) (No mitigation)

(2) 8 Sep 04, Wright-Patterson AFB, OH - Article 92. You, who knew or should have known of your duties, on or about 25 Nov 03, were derelict in the performance of those duties in that you negligently failed to refrain from shredding active medical documents, as it was your duty to do. Suspended reduction to Airman. Forfeiture of \$100.00 pay per month for 2 months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 10 AUG 04 - Unauthorized use of a government computer.

f. CM: None.

g. Record of SV: 07 Feb 02 - 07 Oct 03 Wright-Patterson AFB 4 (Initial)  
08 Oct 03 - 15 Apr 04 Wright-Patterson AFB 4 (CRO)

h. Awards & Decs: NDSM, AFOUA, AFTR, GWOTSM.

i. Stmt of Sv: TMS: (03) Yrs (09) Mos (05) Das  
TAMS: (03) Yrs (02) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Nov 05.  
(Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.

4JAN06/ia



DEPARTMENT OF THE AIR FORCE  
88<sup>th</sup> Medical Group  
WRIGHT-PATTERSON AIR FORCE BASE OHIO

1 Apr 05

MEMORANDUM FOR AMN: [REDACTED]

FROM: 88 MDSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct – 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. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On 5 Aug 04, You were found to be in violation of Article 92 of the Uniform Code of Military Justice (UCMJ), Specifically you were in violation of AFI 33-3-2. You were found to have used a government computer to download and play video games. For this you received a Letter of Reprimand (LOR) dated 10 Aug 04 and establishment of an Unfavorable Information File (UIF).

b. On 25 Nov 03, at Wright Patterson AFB OH, you, who knew or should have known your duties were derelict in the performance of those duties in that you negligently failed to refrain from shredding active medical documents, as it was your duty to do so. This was a violation of Article 92 of the UCMJ. For this you received an AF Form 3070, Record of Nonjudicial Punishment Proceedings (Article 15), dated 8 Sep 04.

c. On 18 Dec 04, at Wright Patterson AFB OH, you did operate a vehicle, to wit: a passenger car, while under the influence of alcohol. The alcohol concentration in your breath was 0.138 grams of alcohol per 210 liters of breath as shown by chemical analysis. This was a violation of Article 111 of the UCMJ. For this you received an AF Form 3070, Record of Nonjudicial Punishment Proceedings (Article 15) dated 24 Jan 05.

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. Military legal counsel, Captain: [REDACTED] Area Defense Counsel, Building 199, Kittyhawk Area, Wright-Patterson AFB, OH, (937) 257-7841, has been obtained to assist you. An appointment has been scheduled for you to consult her on 1 Apr 05 at 1330 hrs. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military

service and is reasonably available as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

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 3 working days of your receipt of this letter, unless you request and receive an extension for good cause shown. I will send your statements 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 must schedule yourself for a medical examination through Tri-Care or your Primary Care physician.

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 in the orderly room.



88<sup>th</sup> Medical Support Squadron  
Commander

**Attachments**

1. Letter of Reprimand, 10 Aug 04
2. AF Form 1058, Unfavorable Information File Action, 13 Aug 04
3. AF Form 3070, 8 Sep 04
4. AF Form 3070, 24 Jan 05
5. Airman's Receipt of Notification