

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE AMN	AFSN/SSAN _____
--	--------------	--------------------

TYPE GEN	PERSONAL APPEARANCE	<b>X</b>	RECORD REVIEW
----------	---------------------	----------	---------------

<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	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES <b>A92.21</b> <b>A93.01</b>	INDEX NUMBER <b>A67.50</b> <b>A67.90</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;"><b>1</b></td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>2</b></td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>3</b></td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>4</b></td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	BRIEF OF PERSONNEL FILE		COUNSEL'S RELEASE TO THE BOARD		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE
EXHIBITS SUBMITTED TO THE BOARD																		
<b>1</b>	ORDER APPOINTING THE BOARD																	
<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE																	
<b>3</b>	LETTER OF NOTIFICATION																	
<b>4</b>	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>01 Aug 2006</b>	CASE NUMBER <b>FD-2006-00024</b>	
------------------------------------	-------------------------------------	--

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.

The applicant was scheduled for a personal appearance before the Discharge Review Board at Andrews AFB, MD on August 1, 2006, but after acknowledging intent to appear, failed to do so without requesting a postponement. The case was considered via records review.

Advise applicant of the decision of the Board, 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: 8/3/2006**

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2006-00024

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

The applicant was scheduled for a personal appearance before the Discharge Review Board at Andrews AFB, MD on August 1, 2006, but after acknowledging intent to appear, failed to do so without requesting a postponement. The case was considered via records review.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge and change of reenlistment code 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:** Applicant contends discharge was inequitable because some of his misconduct was due to his youthfulness, and cites his post service accomplishments.

The records indicated the applicant received an Article 15, four Letters of Reprimand, and two Records of Individual Counseling for misconduct. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The DRB recognized the applicant was 21 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 older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. 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 DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Moody AFB, GA on 12 Apr 00 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 01 Aug 78. Enlmt Age: 19 5/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-30, E-42, G-55, M-62. PAFSC: 2W031 - Munitions Systems Apprentice. DAS: 2 Jul 98.

b. Prior Sv: (1) AFRes 13 Jan 98 - 24 Feb 98 (1 month 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Feb 98 for 4 yrs. Svd: 02 Yrs 01 Mo 18 Das, all AMS.

Grade Status: Amn - 24 Sep 98

c. Time Lost: None.

d. Art 15's: (1) 25 Jun 99, Moody AFB, GA - Article 92. You did, at Ahmed Al Jaber Air Base, Kuwait, between on or about 16 Jun 99 and on or about 18 Jun 99, violate a lawful general regulation, to wit: Paragraph 6.1.3, AFI 33-129, dated 1 Jan 97, by wrongfully storing and processing pornographic and sexually explicit material on a US Government provided computer. You did, at Ahmed Al Jaber Air Base, Kuwait, between on or about 16 Jun 99 and on or about 18 Jun 99, disobey a lawful general order, to wit: General Order Number 1, Joint Task Force Southwest Asia, US Central Air Forces (Forward), dated 29 Jan 97, by wrongfully possessing and displaying pornographic and sexually explicit material on a US Government provided computer, in the US Central Air Forces Area of Responsibility. Suspended reduction to AB. Forfeiture of \$150.00 pay per month for one month. (No appeal) (No mitigation)

e. Additional: LOR, 22 MAR 00 - Dereliction of duty.  
RIC, 29 OCT 99 - Failure to comply with AFOSH Standards.  
LOR, 01 OCT 99 - Failed room inspection.  
LOR, 26 JUL 99 - Financial Irresponsibility.  
RIC, 17 JUN 99 - Dereliction of duty.  
LOR, 31 JUL 99 - Failure to go.

- f. CM: None.
  - g. Record of SV: 25 Feb 98 - 24 Oct 99 Moody AFB 3 (Initial)REF
  - h. Awards & Decs: AFTR, AFOUA, AFEM(KUWAIT).
  - i. Stmt of Sv: TMS: (02) Yrs (03) Mos (00) Das  
TAMS: (02) Yrs (01) Mos (18) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Jan 06.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

- 1. Applicant's Issues.
- 2. DD Form 214.
- 3. Notification Memorandum.

17APR06/ia

To: Air Force Review Board

From:

RE: My request for a discharge change.

Hello sir/madam I am writing this letter as proof of why I deserve a change in my discharge. While I was in the United States Air Force I made many mistakes, which led to my separation from the Air Force. I was young and didn't think my actions through. This is not an excuse but an explanation of why what happened to me happened. The two major incidents in my file are my receiving adult material on a government computer while on TDY in Kuwait and my failure to report fellow Airmen who were using illegal narcotics. These incidents were both serious and coupled with my other minor infractions led to my separation.

The first incident in Kuwait was pure and simple stupidity and with just no regard for regulation. There is no reason or purpose it was simply a 20-year-old kid being stupid and not thinking.

The second incident involving my fellow Airmen and narcotics is a different story. I never used narcotics and that was proven time and time again but I was guilty of having knowledge of those Airmen's actions and doing anything about it. These were my friends and I didn't want to turn on them. While all this was going on I thought hey I'm not doing drugs I have nothing to worry about. I know now how wrong I was and have known since my separation. I didn't realize the true impact of what they were doing until I talked to an investigator. I would like to ad that when I was questioned about all of what happened I was totally cooperative with the investigation and also helped with further investigation.

After my discharge I made it my mission to not make the same mistake's I had made in my past. The only way to do this and to prove that I deserved a change in my discharge was to serve my country in another way, at that is what I have been doing since I have been separated from the Air Force. I waited this long to contact the board about my discharge to prove to the board that my mistakes were not going to continue.

I was discharged on 20000412 and on 20000701 the Geauga County Sheriffs Office as an emergency dispatcher hired me. While working a full schedule at the sheriff's office I also put myself through the Cleveland Heights Police Academy. After I completed the Academy I was offered a job by the Cleveland Heights Police Department. On 20010701 I was sworn in as a Basic Patrol Officer by the City of Cleveland Heights.

I continued to work for Cleveland Heights for the next four and a half years. I left the Cleveland Heights Police Department on 20051015. On my departure date I was awarded a Government Service Medal from Chief [redacted] for my service to the department. My intentions when I left were to come back to the military and serve my country the way I should have the first time. As the war in Iraq continued I had a hard time sitting idially by while my beloved country was at war and I was powerless to do anything about it.

As of today 20060112 I have been unsuccessful in joining the United States Military due to the discharge I received. I want the chance to serve my country in this time of war. I know with all the changes in my life I will serve honorably this time. I ask the board to change my discharge so I may again serve my country, and do it right this time. The mistakes of my past are in no way a judge of my character today. I hope that to you I have proven I deserve a change in my discharge.

I thank you for taking the time to review this package I have sent you.

Respectfully

[redacted signature box]

2006 01 12



**DEPARTMENT OF THE AIR FORCE**

HEADQUARTERS 347TH WING (ACG)  
MOODY AIR FORCE BASE, GEORGIA

29 March 2000

MEMORANDUM FOR AMN: ..... 347 EMS

FROM: 347 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct (conduct prejudicial to good order and discipline). The authority for this action is AFI 36-3208, paragraph 5.50.2. If my recommendation for discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

a. On or about 31 Jul 98, without authority, you failed to go at the time prescribed to your appointed place of duty. For this incident, you received a Letter of Reprimand (LOR), dated 31 Jul 98 (Atch 1a).

b. On or about 16 Jun 99, you were derelict in the performance of your duties by failing to ensure your crew-book was kept properly updated. For this offense, you received a Letter of Counseling (LOC), dated 17 Jun 99 (Atch 1b).

c. On or about 25 Jun 99, you received nonjudicial punishment pursuant to Article 15, UCMJ. Punishment included reduction to the grade of airman basic (suspended) and forfeiture of \$150 pay per month for one month. The specific violations of the articles of the UCMJ are as follows:

- i. You, did, at Ahmed Al Jaber Air Base, Kuwait, between on or about 16 Jun 99, and on or about 18 Jun 99, violate a lawful general regulation, to wit: Paragraph 6.1.3, Air Force Instruction 33-129, dated 1 Jan 97, by wrongfully storing and processing pornographic and sexually explicit material on a United States Government-provided computer.
- ii. You, did, at Ahmed Al Jaber Air Base, Kuwait, between on or about 16 Jun 99, and on or about 18 Jun 99, disobey a lawful general order, to wit: General Order Number 1, Joint Task Force Southwest-Asia, United States Central Air Force (Forward), dated 29 Jan 97, by wrongfully possessing and displaying pornographic and sexually explicit material on a United State Government-provided computer, in the United States Central Air Force Area of Responsibility.

d. On or about 28 Apr 99, you failed to pay your debt to the AAFES Deferred Payment Program of \$86.00. For this action, you received an LOR dated 26 Jul 99 (Atch d).

*Global Power for America*

e. On or about 30 Sep 99, you violated a lawful order at MAFB, by failing to maintain minimum standards of cleanliness in your dorm room. For this incident, you received an LOR dated 1 Oct 99, which was placed in an Unfavorable Information File (Atch 1e).

f. On or about 26 Oct 99 and on or about 28 Oct 99, you were derelict in the performance of your duties by failing to wear eye protection during the course of your duties. For these offenses, you received an LOC, dated 29 Oct 99 (Atch 1f).

g. Between on or about 1 Dec 99 and 1 Mar 00, you were derelict in the performance of your duties, to wit: You had direct knowledge of personnel possessing, using and distributing contraband substances in and around your dormitory room in building 7257, and you failed to report this information to your supervisors or appropriate law enforcement agencies. For these offenses, you received an LOR, dated 22 Mar 00 (Atch 1g).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (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 may 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 with Capt: \_\_\_\_\_ at DSN 445-6993, on 30 Mar 00. Please take your copy of this Notification Memorandum and the attachments with you. 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 within **three** duty days after receipt of this notification letter, unless you request and receive an extension for good cause shown. **If your appointment with defense counsel is beyond three duty days after receipt of this letter, you should contact the Area Defense Counsel office at extension 7-3421 to obtain a delay request.** I will send any statement(s) you submit to the separation authority.

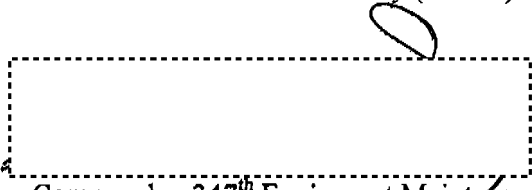
5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, **Physical Exams Section**, Bldg 3296 at **1300** on **30 Mar 00**. **This is a mandatory appointment. Be sure to bring your medical records to this appointment.**

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



8. Execute the attached acknowledgment and return it to me immediately (Atch 2).



Commander, 347<sup>th</sup> Equipment Maintenance Squadron

Attachments:

1. Supporting Documents, Reasons for Discharge
  - a. LOR, 31 Jul 98 (w/atch)
  - b. LOC, 17 Jun 99
  - c. AF Form 3070, 25 Jun 99
  - d. LOR, 26 Jul 99 (w/atch)
  - e. LOR\UIF, 1 Oct 99 (w/atch)
  - f. LOC, 29 Oct 99
  - g. LOR, 22 Mar 00 (w/atch)
2. Receipt of Notification Memorandum