

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

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

ISSUES A95.00 A01.00	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; 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 HE</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 HE
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HEARING DATE 30 Jan 2007	CASE NUMBER FD-2006-00268
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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 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.

INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 2/7/2007 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00268

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.

ISSUES: Applicant received a General discharge for Misconduct--Minor Disciplinary Infractions

The applicant would like to receive his benefits from active duty tenure. He states he has grown and realized what he had taken for granted; he doesn't want his future to suffer for his childish actions. The Board empathizes with applicant and is pleased to see he has grown from his experience. However, no inequity or impropriety in his discharge was suggested or found in the course of the review. The applicant received a Letter of Counseling--for being late for work nine times, averaging 20-45 minutes late; an Article 15 for failing to obey a lawful general regulation by wrongfully accessing and displaying obscene materials on a government-owned computer; and a Vacation of the Article 15 for failure to go (late for duty, three times). The Board concluded that 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 appropriately characterize 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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Mountain Home AFB, ID on 3 Dec 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 30 Oct 79. Enlmt Age: 19 0/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-40, E-49, G-50, M-39. PAFSC: 4D031 - Diet Therapy Apprentice. DAS: 22 Jun 99.

b. Prior Sv: (1) AFRes 30 Oct 98 - 13 Jan 99 (2 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jan 99 for 4 yrs. Svd: 00 Yrs 10 Mo 21 Das, all AMS.

b. Grade Status: AB - 14 Sep 99 (Vacation of Article 15, 2 Nov 99)
Amn - 14 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 2 Nov 99, Vacation, Mountain Home AFB, ID - Article 86. You, did, on or about 4 Oct 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 6000. You, did, on or about 18 Oct 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 6000. You, did, on or about 20 Oct 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 6000. Reduction to AB. (No appeal) (No mitigation)

(2) 22 Sep 99, Mountain Home AFB, ID - Article 92. You, did, on divers occasions between on or about 3 Sep 99 and on or about 5 Sep 99, fail to obey a lawful general regulation, to wit: AFI 33-129, paragraph 6.1.3 dated 1 Jan 97, by wrongfully accessing and displaying obscene materials on a government-owned computer. Article 107. You, did, on 7 Sep 99, with intent to deceive, make to your First Sergeant, MSgt [REDACTED], an official statement, to wit: you accidentally accessed pornographic sites on the internet and you were unable to exit them, or words to that effect, which statement was totally false, and was then known by you to be so false. Article 107. You, did, with intent to deceive,

make to your Commander, Lt Col [REDACTED]; an official statement, to wit: you accidentally accessed pornographic sites on the internet and you were unable to exit them, or words to that effect, which statement was totally false, and was then known by you to be so false. Suspended reduction to AB. Thirty days extra duty and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOC, 13 SEP 99 - Late for work on several occasions.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (01) Yrs (02) Mos (04) Das
TAMS: (00) Yrs (10) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jul 06.
(Change Discharge to Honorable)

Issue 1: To recieve (sic) all benefits from my active duty time. I have grown and realized what I had taken for granted during my active duty service in 1999. I don't want my future to suffer because of my childish actions in the past. Please forgive me. Thank you.

ATCH

- 1. Copy of Social Security Card.

17AUG06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 366TH WING (ACC)
MOUNTAIN HOME AIR FORCE BASE, IDAHO

FD 2006-00268

NOV 18 1999

MEMORANDUM FOR AB: [REDACTED] 366 MDSS

FROM: 366 MDSS/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 can be characterized as honorable, general, or under other than honorable conditions (UOTHC). I am recommending your service be characterized as general.

2. My reasons for this action are:

a. Between on or about 4 Oct 99 and 20 Oct 99, you failed to go, at the time prescribed, to your appointed place of duty on three occasions. As a result, the suspended reduction in grade, imposed upon you under Article 15, UCMJ on 22 Sep 99, was vacated on 8 Nov 99. (Atch 1).

b. Between on or about 3 Sep 99 and 5 Sep 99, you failed to obey a lawful general regulation, to wit: AFI 33-129, by wrongfully accessing and displaying obscene materials on a government computer. Additionally, on or about 7 Sep 99, you made false official statements to your first sergeant and commander to wit: you accidentally accessed pornographic sites on the internet and were unable to exit them, or words to that effect. As a result, you received an Article 15, UCMJ, on 22 Sep 99. (Atch 2).

c. On divers occasions between on or about 29 Jun 99 through 13 Sep 99, you failed to go, at the time prescribed, to your appointed place of duty. As a result, you received a Letter of Counseling (LOC) on 13 Sep 99. (Atch 3).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction will decide whether you will be discharged or retained in the Air Force. If you are discharged, he will also determine how your service will be characterized. If discharged, you will be ineligible for reenlistment in the Air Force, and any special pay, bonus, or education assistance funds may be subject to recoupmnt.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I made an appointment for you to consult with the Area Defense Counsel on 18 Nov 99 at 1630 hours in building 512. The number is 828-2675. You may consult civilian counsel at your own expense.

1100

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 three workdays of the date of this memorandum unless you request and receive an extension for good cause shown. I will forward 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 Physical Examination Section at the hospital on Mountain Home AFB. Your scheduled medical examination is on 18 Nov 99 at 1200 hours. You must be in uniform. If you wear glasses, wear them to the scheduled examination. 1030
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available at the Area Defense Counsel's office or your squadron orderly room.
9. You will surrender your ID card to me immediately. Proceed with this letter to the Military Personnel Flight, Customer Service, Building 512, Mountain Home AFB no later than 18 Nov 99 where you will be issued a temporary ID card valid for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.
10. This letter also authorizes you to proceed to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than 18 Nov 99 where you will turn in your Mountain Home AFB vehicle sticker and your USAF vehicle decal. They will issue a temporary permit good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle decal will be issued to you until the case is finalized.
11. Finally, proceed with this letter to the Traffic Management Office (TMO), in Building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.



Commander, 366th Medical Support Squadron

3 Attachments:

1. Vacation Action, dtd 8 Nov 99
2. Article 15, dtd 22 Sep 99
3. LOC, dtd 13 Sep 99