

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>  [ ]		<b>GRADE</b>  A1C	<b>AFSN/SSAN</b>  [ ]																
<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>		<b>X</b>	<b>RECORD REVIEW</b>														
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>															
<b>YES</b>	<b>No</b>																		
	<b>X</b>																		
<b>MEMBER SITTING</b>				<b>VOTE OF THE BOARD</b>															
				<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>											
[ ]					<b>X</b>														
					<b>X</b>														
					<b>X</b>														
					<b>X</b>														
					<b>X</b>														
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>															
A92.21 A94.05		A67.90		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align:center;"><b>1</b></td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align:center;"><b>2</b></td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align:center;"><b>3</b></td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align:center;"><b>4</b></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 HEARING</td></tr> </table>		<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
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<b>HEARING DATE</b>		<b>CASE NUMBER</b>																	
15 Mar 2007		FD-2006-00437																	
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>																			
<p>Case heard in Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>          																			
<b>INDORSEMENT</b>				<b>DATE: 3/16/2007</b>															
<b>TO:</b>			<b>FROM:</b>																
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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**

**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:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, three Letters of Reprimand, and one Record of Individual Counseling for misconduct. The misconduct included financial irresponsibility, failure to notify the Chain of Command of scheduled appointments, jumping the Chain of Command in order to be released from duty, civilian conviction for financial irresponsibility, using the American Express Government charge card for personal expenses, and using a government computer to contact a chat room on the Internet that was sexual in nature. 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.

Issue 2. The DRB was pleased to see that the applicant was doing well and is still serving his country in a civilian capacity. 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Grand Forks AFB, ND on 21 Nov 96 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: 3 Aug 70. Enlmt Age: 18 7/12. Disch Age: 26 3/12. Educ: HS DIPL. AFQT: N/A. A-85, E-69, G-62, M-68. PAFSC: 2M053 - Missile & Space Facilities Journeyman. DAS: 02 Jul 90.

b. Prior Sv: (1) AFRes 21 Mar 89 - 11 Dec 89 (8 months 21 days) (Inactive).

(2) Enlisted as Amn 12 Dec 89 for 4 yrs. Svd: 03 Yrs 00 Months 04 days, all AMS. A1C - 12 Oct 90. SrA - 12 Jun 92. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as SrA 16 Dec 92 for 4 yrs. Svd: 03 Yrs 11 Mo 06 Das, all AMS.

b. Grade Status: A1C - 30 Oct 96 (Article 15, 30 Oct 96)

c. Time Lost: None.

d. Art 15's: (1) 30 Oct 96, Grand Forks AFB, ND - Article 92. You, who knew of your duties, on divers occasions, on or about 18 Sep 96, were derelict in the performance of those duties in that you willfully used a government computer to contact a chat room on the Internet that was sexual in nature, as it was your duty not to do. Reduction to A1C. Suspended forfeiture of \$150.00 pay. Seven days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

(2) 25 Sep 95, Grand Forks AFB, ND - Article 92. You, who knew of your duties, from on or about 18 Jun 95 to on or about 30 Jun 95, were derelict in the performance of those duties in that you willfully used your American Express Government charge card for personal use in the approximate amount of \$1040.00, as it was your duty not to do. Suspended reduction to A1C. Thirty days extra duty. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 05 NOV 96 - Financial irresponsibility.  
LOR/UIF, 01 NOV 96 - Financial irresponsibility resulting in a civilian conviction.

LOR/UIF, 12 SEP 96 - Financial irresponsibility.  
RIC, 12 APR 96 - Failure to notify Chain of Command of  
scheduled appointments, and jumping the  
Chain of Command in order to be released  
from duty.

f. CM: None.

g. Record of SV: 12 Aug 92 - 11 Aug 93 Grand Forks AFB 5 (Annual)  
12 Aug 93 - 11 Aug 94 Grand Forks AFB 5 (Annual)  
12 Aug 94 - 11 Aug 95 Grand Forks AFB 4 (Annual)

h. Awards & Decs: AFLSAR, AFTR, NDSM, NCOPMER, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (07) Yrs (08) Mos (01) Das  
TAMS: (06) Yrs (11) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 04 Nov 06.  
(Change Discharge to Honorable)

Issue 1: I am requesting an upgrade of my discharge status due to restrictions in applying for certain jobs and VA benefits. I have been out of the Military for almost 10 years and have maintained a high standard of living. I have served in the Persian Gulf in a civilian capacity helping to fight the war on terror. I have made decisions and life choices based on the great training I received while an Active Duty member of this great countries (sic) Armed Forces. I hereby respectfully ask that you consider my request for an upgrade in my discharge.

**ATCH**

1. DD Form 214.

08DEC06/ia



DEPARTMENT OF THE AIR FORCE  
321ST MISSILE GROUP (AFSPC)

FD2006-00437

MEMORANDUM FOR A1C: \_\_\_\_\_

13 NOV 96

FROM: 321 MXS/CC

SUBJECT: Notification Letter – Board Hearing

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

2. My reason for this action is:

a. On or about 18 Oct 96, you were two months delinquent in paying you Deferred Payment Plan. For this misconduct, you received an LOR dated 5 Nov 96 and an Unfavorable Information File entry was made. (Attachment A)

b. On or about 23 Oct 96, investigation disclosed you issued a check for \$471.23 without sufficient funds in you checking account. For this misconduct, you received an LOR dated 1 Nov 96 and an Unfavorable Information File entry was made. (Attachment B)

c. On or about 18 Sep 96, you used a government computer to contact a sexual chat room on the Internet. For this misconduct, you were punished under Article 15 on 30 Oct 96. Punishment consisted of reduction to Airman First Class, a suspend forfeiture of \$150 pay, 7 days extra duty, and a reprimand. (Attachment C)

d. On or about 9 Aug 96, you issued checks to the Golf Course without sufficient funds in your checking account. For this misconduct, you received a LOR dated 12 Sep 96 and an Unfavorable Information File entry was made. (Attachment D)

e. On or about 10 Apr 96, you failed to notify your chain of command of scheduled appointments. When told you could not leave to go to these appointments you jumped the chain of command in order to be release from duty. For this misconduct, you received a LOC dated 12 Apr 96. (Attachment E)

f. Between on or about 18 Jun 95 and on or about 30 Jun 95, you used your Government American Express for personal use. For this misconduct you were punished under Article 15 on 25 Sep 95. Punishment consisted of 30 days extra duty and a suspended reduction to Airman First Class. (Attachment F)

3. You have the right to:
  - a. Consult legal counsel.
  - b. Present your case to an administrative discharge board.
  - c. Be represented by legal counsel at a board hearing.
  - d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
  - e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
4. You have been scheduled for a medical examination. You must report to the 319th Medical Group on 14 Dec 96 at 0730 hours for the examination.
5. Military legal counsel has been obtained to assist you. You have been scheduled for an appointment at the Office of the Area Defense Counsel on 17 Dec 96 at 1100 hours located at Grand Forks AFB, ND in Bldg 216. You may contact the office of the Area Defense Counsel at (DSN) 362-3341 or (Commercial) 701-747-3341. 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. 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.
6. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements on your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the discharge board hearing.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in your Squadron Orderly Room.
8. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
9. The discharge board or, the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).
10. If this discharge recommendation results in an approved discharge, you may request that it be reviewed in the Office of the Secretary of the Air Force prior to execution.

11. Execute the Attached acknowledgment and return it to me immediately.



Commander, 321 MXS

4 Attachments:

1. Privacy Act Statement
2. Supporting Documents
  - a. LOR/UIF dated 5 Nov 96
  - b. LOR/UIF dated 1 Nov 96
  - c. Article 15 dated 30 Oct 96
  - d. LOR/UIF dated 12 Sep 96
  - e. LOC dated 12 Apr 96
  - f. Article 15 dated 25 Sep 95
3. Respondent's Case
4. Personnel Data