

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE		AFSN/SSAN				
		A1C						
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
ISSUES A92.21 A93.01 A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD				
				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				
HEARING DATE 03 May 2007		CASE NUMBER FD-2007-00022						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE								
<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>								
INDORSEMENT								
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-2007-00022**

**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:**

Issue 1. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He admits that he was young and did not take everything serious and responsible as he should have. The records indicated the applicant received an Article 15, two Letters of Reprimand, and two Records of Individual Counseling for misconduct. The applicant received an Article 15 for wrongfully accessing and processing sexually explicit images from his government computer. He received a suspended reduction in grade to Airman, fourteen days of extra duty, and a reprimand. He received two Letters of Reprimand for speeding, not having vehicle insurance, making a false statement and financial irresponsibility. He was also disciplined for being late for work on repeated occasions and failure to accomplish assigned duties in a timely manner. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's 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, continuing his education, and has a good job. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Robins AFB, GA on 17 Sep 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 22 May 77. Enlmt Age: 20 11/12. Disch Age: 24 3/12. Educ: HS DIPL. AFQT: N/A. A-61, E-52, G-39, M-35. PAFSC: 3S051 - Personnel Journeyman. DAS: 28 May 99.

b. Prior Sv: (1) AFRes 23 Apr 98 - 17 Nov 98 (6 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Nov 98 for 6 years. Svd: 02 Yrs 10 Mo 00 Das, all AMS.

b. Grade Status: A1C - 12 May 99

c. Time Lost: None.

d. Art 15's: (1) 15 Aug 01, Robins AFB, GA - Article 92. You did, on or about 28 Jul 01, violate a lawful general regulation, to wit: paragraph 6.1.3, AFI 33-139, dated 4 Apr 01, by wrongfully accessing and processing sexually explicit images via your government computer. Suspended reduction to Amn. Fourteen days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 24 APR 01 - Speeding, no insurance and making a false statement.

LOR/UIF, 22 JAN 01 - Financial irresponsibility.

RIC, 02 NOV 00 - Late to work and failure to accomplish assigned duties in a timely manner.

RIC, 03 JAN 00 - Repeatedly late to duty section.

f. CM: None.

g. Record of SV: 18 Nov 98 - 17 Jul 00 Robins AFB 5 (Initial)  
18 Jul 00 - 04 May 01 Robins AFB 2 (Cmdr Dir) REF

h. Awards & Decs: AFAM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (25) Das

TAMS: (02) Yrs (10) Mos (00) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 10 Jan 07.  
(Change Discharge to Honorable.)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Three Character references.

2MAR07/day



Department of Veterans Affairs

## STATEMENT IN SUPPORT OF CLAIM

**PRIVACY ACT INFORMATION:** The law authorizes us to request the information we are asking you to provide on this form (38 U.S.C. 501 (a) and (b)). The responses you submit are considered confidential (38 U.S.C. 5701). They may be disclosed outside the Department of Veterans Affairs (VA) only if the disclosure is authorized by the Privacy Act, including the routine uses identified in the VA system of records, 58VA21/22, Compensation, Pension, Education and Rehabilitation Records - VA, published in the Federal Register. The requested information is considered relevant and necessary to determine maximum benefits under the law. Information submitted is subject to verification through computer matching programs with other agencies.

**RESPONDENT BURDEN:** Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Clearance Officer (723), 810 Vermont Ave., NW, Washington, DC 20420; and to the Office of Management and Budget, Paperwork Reduction Project (2900-0075), Washington, DC 20503. PLEASE DO NOT SEND THIS FORM OR APPLICATIONS FOR BENEFITS TO THESE ADDRESSES.

FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or Print)

SOCIAL SECURITY NO.

VA FILE NO.

c/css -

The following statement is made in connection with a claim for benefits in the case of the above named veteran:

I received a General discharge under Honorable Conditions. I served in the Air Force from November 18, 1998 to September 17, 2001. The reason I received a General Discharge is because I didn't have car insurance and was on the Internet pulling up unnecessary information. This was my first tour in Warner Robins, GA (Robins AFB). I was 21 years of age. I really didn't take everything serious and responsible like I should have.

I am now 29 years old and can attest to you that I have definitely changed. I have been active in the church. I have worked at the Post Office and I have also been going to school to further my education at DeVry University in Decatur, GA. I am now a student at Middle Georgia College. My attitude about life has changed and I am not the immature boy I was in 2001.

I realize this was inappropriate behavior on my part and I am truly very sorry. I feel that the last few years of my life have proven that I have changed and am trying to better myself in society.

Respectfully request my discharge be upgraded to Honorable.

Thank you.

(CONTINUE ON REVERSE)

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE

DATE SIGNED

1-10-07

ADDRESS

DAYTIME TELEPHONE NUMBER (Including Area Code)

**PENALTY:** The law provides several penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.



FD 2007-00022

DEPARTMENT OF THE AIR FORCE  
78<sup>th</sup> MISSION SUPPORT SQUADRON (AFMC)  
ROBINS AIR FORCE BASE, GEORGIA

MEMORANDUM FOR AIC: [REDACTED]

AUG 28 2001

FROM: 78 MSS/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 will be characterized as Honorable, General or Under Other Than Honorable conditions. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. You failed, on 3 Jan 00, to go at the time prescribed to your appointed place of duty. For this you received a Letter of Counseling (LOC), dated 3 Jan 00.

b. You failed, on 3 Nov 00, to report your normal time back to work for the remaining of your duty day. For this you received your second LOC, dated 3 Nov 00.

c. You did, violate a lawful order, by using your government travel card for unauthorized purchases. In addition, on 17 Jan 01, it was brought to my attention, that your government travel card account was passed due. For this you received a Letter of Reprimand (LOR), dated 22 Jan 01. This act established your Unfavorable Information File (UIF).

d. You were, on 22 Apr 01, stopped by the Robins Air Force Security Forces personnel for excess speeding while on base and not having any automobile insurance. In addition, on 23 Apr 01, you made a false official statement stating that you did have proof of current insurance. For this you received your second LOR, dated 24 Apr 01. This action was placed in your existing UIF.

e. You did, on 28 Jul 01, violate a lawful general regulation, by wrongfully accessing and processing sexually explicit images via your government computer. For this you received an Article 15, Nonjudicial Punishment (NJP), dated 15 Aug 01. This act was placed in your UIF.

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. 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 the **Area Defense Counsel, ph. 926-5852, at building 368, on 27 Aug 01 at 1530 hours**. You may consult civilian counsel at your own expense. 28 1600

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 duty days of the date of this letter** unless you request and receive an extension for good cause. I will send 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 physical examination on 28 Aug 01.** You must report to Physical Exams Section in building 700A at **0715 hours** to fill out paperwork. **Your follow-up appointment will be at Family Practice, building 700A, at 0730 hours.** *You must be in uniform and on time in order to keep the scheduled appointment.* 30 720

8. You have been scheduled for an *initial briefing* at separations with AIC [ ] Bldg 905, 7-7348, on 28 Aug 01 at 1400 hours. *Please bring an escort from your unit for assistance.*

9. 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 at the Area Defense Counsel or your unit orderly room.

[ ]

Commander

Attachments:

## Attachments:

1. Supporting documents
  - a. AF Form 174, dtd 3 Jan 00
  - b. AF Form 174, dtd 3 Nov 00
  - c. LOR, dtd 22 Jan 01
  - d. AF Form 1058, dtd 14 Feb 01
  - e. LOR, dtd 24 Apr 01
  - f. AF Form 1058, dtd 10 May 01
  - g. AF Form 3070, dtd 15 Aug 01
  - h. AF Form 77, dtd 26 Sep 00
  - i. EPRs (2)
2. Airman's Receipt of Notification Memorandum