

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

OCT 29 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-01301

[REDACTED]

COUNSEL: NONE

[REDACTED]

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

His reenlistment eligibility (RE) code of 2H and general discharge be upgraded.

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APPLICANT CONTENDS THAT:

He was young and immature and his personal problems impaired his ability to serve. He was discharged for failure to finish alcohol rehabilitation due to two related incidents of alcohol which occurred off base. His discharge was too harsh compared to today's standards.

In support of his request, applicant submits personal letters, character reference letters and additional documents associated with the issues cited in his contentions (Exhibit A).

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STATEMENT OF FACTS:

Applicant enlisted in the Regular Air Force on 13 August 1992 for a period of 4 years. He was progressively promoted to the grade of airman (E-2), effective 13 February 1993.

On 23 April 1993, applicant received a Letter of Reprimand (LOR) for underage drinking on 18 April 1993.

On 6 May 1993, the applicant was entered in Track 4 of the Substance Abuse Reorientation and Treatment Program.

On 22 September 1993, applicant was notified of his commander's intent to impose nonjudicial punishment on him under Article 15, UCMJ. The misconduct applicant had allegedly committed was wrongful consumption of alcoholic beverages while under the age of 21, on or about 15 September 1993, in violation of Article 134, UCMJ. The applicant consulted a lawyer, waived his right to demand trial by court-martial and accepted nonjudicial punishment. After considering all matters presented to him, the commander found that the applicant did commit one or more of the offenses alleged. The commander imposed punishment of a

suspended reduction to the grade of airman basic, forfeiture of \$100 of pay per month for 2 months and 15 days of extra duty. Applicant did not appeal the punishment.

On 30 September 1993, the applicant declined any further group, education or contact from the Social Actions Office. He was officially removed from Track 4 for program failure and entered into Track 5 of the Substance Abuse Reorientation and Treatment Program on 30 September 1993.

On 21 October 1993, applicant was notified that his commander was recommending he be discharged with a general (under honorable conditions) discharge because of failure in alcohol abuse rehabilitation. After consulting counsel, applicant submitted a statement in his own behalf requesting an honorable discharge. The wing staff judge advocate reviewed the case file and found it legally sufficient. The recommended separation was approved by the discharge authority and, on 27 October 1993, the applicant received a General (Under Honorable Conditions) discharge under the provisions of AFR 39"-10 (Alcohol Rehabilitation Failure). He had completed 1 year, 2 months and 15 days and was serving in the grade of airman (E-2) at the time of discharge. He received an RE Code of 2H, which defined means "Participating in Track 4 or 5 of the Substance Abuse Reorientation and Treatment (SART) program for alcohol, or has failed to complete Track 4".

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AIR FORCE EVALUATION:

Applicant's request for upgrade of his discharge to honorable was denied by the Air Force Discharge Review Board (AFDRB) on 1 April 1998. A copy of the AFDRB Hearing Record is appended at Exhibit C.

The Special Programs and BCMR Manager, HQ AFPC/DPPAES, stated that the RE Code of 2H is correct. The type of discharge drove assignment of the RE code (Exhibit D).

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the AFDRB Hearing Record and Air Force evaluation were forwarded to applicant on 13 May 1998 for review and response. As of this date, no response has been received by this office (Exhibit E).

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.

2. The application was timely filed.

3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We find no impropriety in the characterization of applicant's discharge. It appears that responsible officials applied appropriate standards in affecting the separation, and we do not find persuasive evidence that pertinent regulations were violated or that applicant was not afforded all the rights to which entitled at the time of discharge. In this respect, we note that the applicant's discharge for failure in the alcohol abuse rehabilitation program was the result of his own action to decline any further group, education or contact from the Social Actions office. Consequently, the reason for applicant's discharge correlates to the 2H reenlistment eligibility (RE) code he received. No evidence has been provided that he completed the program prior to his separation. We therefore conclude that the discharge proceedings were proper and characterization of the discharge was appropriate to the existing circumstances. As to the assertion that his discharge was too harsh compared with today's standards, we agree with the Air Force Discharge Review Board (AFDRB) that refusal to complete rehabilitation provides a proper basis for a less than fully honorable discharge. Although the applicant provided documentation regarding his post-service activities and accomplishments, we find this information to be of limited scope. In addition, we note that it has only been approximately five years since his discharge. Hence, we do not consider the passage of time sufficiently lengthy to support favorably considering clemency in the form of an upgraded discharge at this time. In view of the foregoing and absent persuasive evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.


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The following members of the Board considered this application in Executive Session on 15 September 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair  
Mr. Allen Beckett, Member  
Mr. Henry Romo Jr., Member

The following documentary evidence was considered:

- Exhibit A. DD Form **149**, dated 21 Oct 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. AFDRB Hearing Record, dated 1 Apr **98**
- Exhibit D. Letter, HQ AFPC/DPPAES, dated 12 May **98**.
- Exhibit E. Letter, SAF/MIBR, dated 13 May 98.

  
BARBARA A. WESTGATE  
Panel Chair




DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS


12 MAY 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPAES  
550 C Street West Ste 10  
Randolph AFB TX 78150-4712

SUB Application of Re 

We conducted a review of applicant's case file. The Reenlistment Eligibility (RE) Code "2H" is correct. The type of discharge drove assignment of the RE code.

  
Special Programs and BCMR Manager  
Dir of Personnel Program Management

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]  
[REDACTED]  
(Former AMN)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 93/10/27 UP AFR 39-10, para 5-32 (Alcohol Rehabilitation Failure). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 74/01/03. Enlmt Age: 18 5/12. Disch Age: 19 9/12. Educ: HS DIPL. AFQT: N/A M-85, A-79, G-37, E-62. PAFSC: 60330 - Apprentice Vehicle Operator Dispatcher. DAS: 92/10/28.

b. Prior Sv: AFRes 92/06/12 - 92/08/13 (2 months 1 day) (Inactive)

**3. SERVICE UNDER REVIEW:**

a. Enld as: AB 92/08/13 for (4) Yrs. Svd: 1 Yrs 2 Mo 15 Das, all AMS.

b. Grade Status: AMN - 93/02/13

c. Time Lost: none.

d. Art 15's: (1) 93/09/24, Elmendorf AFB, AK - Yo did, o/a 15 Sep 93, wrongfully consume alcoholic beverages while under the age of 21 in violation of Alaska Statute Section 04.16.050, as made applicable by the Federal Assimilative Crimes Act 18 U.S.C. 13. Rdn to AB (susp til 23 Mar 94), forfeiture of \$100.00 pay per month for two months, and fifteen days extra duties. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: none.  
(Discharged from Elmendorf AFB)

g. Awards & Decs: AFTR, NDSM.

h. Stmt of Sv: TMS: (1) Yrs (4) Mos (15) Das  
TAMS: (1) Yrs (2) Mos (15) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fin 293) dtd 97/10/21.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

ATCHS

1. Applicant's Issues.
2. Applicant's Letter to DRB.
3. Letter to Senator.
4. Letter to Congressman.
5. Two Letters of Recommendation.
6. Resume.
7. Letter from NPRC.
8. DD Form 214.
9. DD Form 149.

98/01/08/ia

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]  
[REDACTED]  
(Former AMN)

S U P P L E M E N T A L

The following was rec'd in AFDRB, 98/02/05:

1. Resume
2. Air Force Discharge Review Board Notice w/3 Atchs
3. Letter to President, January 27, 1998
4. Letter to Senator, January 25, 1998
5. Letter to Congressman, **January** 25, 1998 w/1 Atch
6. Letter to Board for Correction of Air Force Records, RE: Discharge Upgrade November 6, 1997
7. Letter to Board for Correction of Air Force Records, RE: Discharge upgrade/DD form 293, November 6, 1997
8. Letter to U. S. Senator, November 8, 1997
9. Letter to congressman, November 8, 1997
10. Cy of SAF/MIBR Letter w/2 Atchs
11. Letter from National Personnel Records Center, Apr 25 1997

98/02/10/les

Atch 1  
(EX 4)



OCT 21 1993

FROM: 3 TRNSS/CC  
21900 2nd St  
Elmendorf AFB AK 99506-3385

SUBJ: Notification Letter

TO: Amn [REDACTED], [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

1. I am recommending your discharge from the United States Air Force for failure in alcohol abuse rehabilitation. The authority for this action is AFR 39-10, Section F, paragraph 5-32. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 18 Apr 93, you were found under the influence of alcohol. You were also in violation of Article 92 by failing to obey a lawful general regulation punishable under the UCMJ as evidenced by a Letter of Reprimand (LOR), 23 Apr 93 (Atch 1).

b. On 6 May 93, you were entered in Track 4 of the Substance Abuse Reorientation and Treatment Program as evidenced by AF Form 2731, date annotated 6 May 93 (Atch 2) and AF Form 2745, dated 6 May 93 (Atch 3).

c. On 12 Aug 93, your counselor noted that your participation was minimal, that you didn't attend AA as required and that once you were sent back to your First Sergeant for refusing to do an assignment. Also, you handed in your homework assignments late. This is evidenced by AF Form 2745 dated 12 Aug 93 (Atch 4).

d. On or about 15 Sep 93, you wrongfully consumed alcoholic beverages while under the age of 21. For this offense, you were reduced to the grade of airman basic (euspended), forfeited \$100 pay per month for two months and were required to perform 15 days extra duty as evidenced by an Article 15, dtd 24 Sep 93 (Atch 5).

e. On 30 Sep 93, you declined any further group, education or contact from the Social Actions Office as evidenced by AF Form 2746, Substance Abuse Reorientation and Treatment Program Case Notes (Atch 6). Also, on 30 Sep 93, a Commander's Decision or Intervention Meeting Review (AF Form 2745) was held. On the reverse side of the AF Form 2745, you commented on not wanting to go to group and that you would go to AA on your own as evidenced by AF Form 2745 (Atch 7). Additionally, on 30 Sep 93, you were officially removed from Track 4 for program failure and entered into Track 5 of the Substance Abuse Reorientation and Treatment Program as evidenced by AF Form 2731, annotated on 30 Sep 93 (see Atch 2).

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.

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 Capt ~~XXXXXX~~, ~~XXXXXX~~, at Bldg 6-920, Rm 330 on 21 Oct 93 at 1400. You may consult civilian counsel at your own expense.

4. You have the right to submit statement in your own behalf. Any statements you want the separation authority to consider must reach me by 26 Oct 93 unless you request and receive an extension for good cause shown. I will send them 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 3rd Aerospace Medicine Squadron, Building 24-850 at 0715 on 22 Oct 93. (Fast (drink water only) for 14 hours prior, no alcohol 72 hours prior, no tobacco products 6 hours prior to examination, bring eyeglasses, and contact solution if using contacts. You must be in uniform for the examination.)

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 2. A copy of AFR 39-10 is available for your use at your Squadron Orderly Room.



~~XXXXXX~~ Lt Col, USAF  
commander

7 Atchs

1. LOR, 23 Apr 93 w/1 Atch
2. AF Form 2731
3. AF Form 2745, 6 May 93
4. AF Form 2145, 12 Aug 93
5. Article 15 w/8 Atch
6. AF Form 2746, 30 Sep 93
7. AF Form 2745, 30 Sep 93