

		<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>																		
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL																				
YES	NO																					
<b>MEMBERS SITTING</b>							<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>											
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<b>ISSUES</b> <b>A93.01, A93.19</b>		<b>INDEX NUMBER</b> <b>A67.10</b>		<table border="1"> <tr><td>1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>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 APPERANCE HEARING</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 APPERANCE HEARING
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<b>REMARKS</b> <b>Case heard at Andrews AFB MD.</b>																						
<b>Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel.</b>																						
<b>SIGNATURE OF RECORDER</b>				<b>SIGNATURE OF BOARD PRESIDENT</b>																		
TO: SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002																		

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD01-00042

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 the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The board finds that neither evidence of record nor any provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

**Issue 1.** The applicant offers the issues of his age and maturity as mitigating factors. Although the board noted that his behavior reflected impulsivity and lack of good judgment, the board notes that the vast majority of servicemen who enlist at his same age complete their tour with honorable service and without engaging in repetitive misconduct such as AWOL or alcohol-related incidents. Indeed, it appeared to the board that the command did grant the member significant leeway for his first offence as that by itself would often constitute grounds for both confinement and a discharge.

**Issue 2.** The applicant offers the issue that alcohol problems impaired his ability to serve honorably. The board noted that again the command extended help initially with alcohol education and after the second alcohol-related offence with an offer for inpatient rehabilitation. The member did not benefit from the educational help and declined help in the form of inpatient rehabilitation.

The Board found no evidence of impropriety or inequity in this case upon which to base an upgrade of discharge.

**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)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 93/04/02 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 71/08/15. Enlmt Age: 19 1/12. Disch Age: 21 7/12. Educ:HS DIPL. AFQT: N/A. A-82, E-54, G-66, M-59. PAFSC: 70250 - Information Management Specialist. DAS: 71/08/15.

b. Prior Sv: AFRes 90/09/24 - 90/10/15 (22 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enld as AB 90/10/15 for 4 yrs. Svd: 2 Yrs 5 Mo 17 Das, of which AMS is 2 Yrs 5 Mos 4 Das (excludes 13 days lost time).

b. Grade Status: A1C - 92/02/29  
AMN - 91/04/16

c. Time Lost: 91/06/18-91/07/01 (13 Days).

d. Art 15's: (1) 91/07/15, Pentagon, Wash DC - Article 86. You did, o/a 18 Jun 91, w/o authority, absent yourself from your organization, and did remain so absent until o/a 1 Jul 91. Rdn to AB (susp till 31 Dec 91), and forfeiture of \$250.00 pay per month for 2 months. (No appeal)  
(No mitigation)

e. Additional: LOR, 16 DEC 92 - Failure to go.  
LOC, 16 NOV 92 - Dereliction to duty.  
LOC, 25 JUN 92 - Unauthorized absence.  
LOC, 09 APR 92 - Drunk in public.

f. CM: none.

g. Record of SV: 90/10/16 92/06/28 Pentagon Wash DC 3 (Initial)  
(Discharged from Pentagon Wash DC)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos 26) Das  
TAMS: (2) Yrs (5) Mos 4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appls (DD Fm 293) dtd 01/01/05.  
(Change Discharge to Honorable)

Issue 1: I was young and not acting the way I should have. I got scared and went AWOL not fully understanding what I was doing and what trouble I would get into. I was punished for this and believe it was appropriate. I then had a problem with alcohol and I went through the counseling. I believe my superiors never let this go and was given the option of in-house treatment or separation (sic) because there was no guarantee that I wouldn't be discharged even if I completed the time in the hospital. I feel I have changed and I would like to have an honorable discharge. I don't want these things to punish me for the rest of my life. Thank you for your time and consideration.

ATCH  
none.

01/02/09/ia

FDO1-00042



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE DISTRICT OF WASHINGTON  
BOLLING AIR FORCE BASE DC 20332

REPLY TO  
ATTN OF:

JA

26 MAR 1993

SUBJECT: Legal Review of AFR 39-10 Discharge Action, for Misconduct-Minor Disciplinary Infractions [REDACTED]

TO: 1100 ABG/CC

1. The attached discharge package is legally sufficient to warrant [REDACTED] separation from the Air Force for Misconduct - Minor Disciplinary Infractions with a general discharge without probation and rehabilitation.

2. Background: On 15 January 1993, [REDACTED] Commander, 7th Communications Group, Mission Support, notified AIC [REDACTED] of her recommendation for discharge for Misconduct - Minor Disciplinary Infractions under AFR 39-10, Section H, paragraph 5-46. On 26 January 1993, [REDACTED] submitted a statement through his counsel, [REDACTED] for consideration by the separation authority. [REDACTED] recommends a general discharge without probation and rehabilitation.

3. Evidence for the Government:

(a) On or about 15 Dec 92, [REDACTED] failed to Show at a mandatory appointment (Commander's Call), for which he received a Letter of Reprimand.

(b) From on or about 30 Oct 92 to 13 Nov 92, [REDACTED] failed to accomplish a required task for which he received a Letter of Counseling.

(c) On or about 22 Jun 92, [REDACTED] took an Unauthorized Leave of Absence for which he received a Letter of Counseling.

(d) On or about 28 Mar 92, [REDACTED] was arrested for being drunk in public for which he received a Letter of Counseling.

(e) From on or about 18 Jun 91 to 1 July 91, [REDACTED] was Absent Without Leave for which he received an Article 15.

4. Evidence for the Respondent:

(a) [REDACTED] is a 21 year old A1C with a TAFMSD of 29 Oct 90.

(b) [REDACTED] received an EPR for the period of 16 Oct 90 through 28 Jun 92 in which he was rated a 3 (satisfactory).

(c) [REDACTED] has received the following favorable communications, citations, or awards: National Defense Service Medal and AF Training Ribbon.

(d) [REDACTED] submitted a personal statement on 11 Jul 91 explaining the circumstances of his Absence Without Leave from 18 Jun 91 to 1 July 91. He stated that on 17 Jun 91 he spoke to his friend to confirm that he would have a ride back to his base. His friend stated he would bring [REDACTED] back to the base late in the evening. His friend did not show up and [REDACTED] efforts to secure a ride were unsuccessful. He tried to inform [REDACTED] that night; however, he was unable to reach him. The next day [REDACTED] called [REDACTED] to inform him that he was considered AWOL. [REDACTED] then became scared and decided not to return at all. Later, he decided it would be best to return and did so on 1 Jul 91.

(e) [REDACTED] submitted a personal statement through his counsel [REDACTED], on 26 January 1993. He states that he has learned from his past mistakes and wishes to remain in the Air Force. [REDACTED] states that the behaviors that were addressed in the Article 15 and Letters of Counseling were not repeated after he was counseled on them. He feels that involuntary discharge is overly harsh and requests a second chance.

5. Errors and Irregularities: I noted no errors or irregularities affecting the substantive rights of the respondent.

6. SPCM Convening Authority Options: The Commander, 1100th Air Base Group, has the following options:

(a) Retain the respondent.

(b) Discharge the respondent with a general discharge, with or without probation.

(c) Forward the case to the GCM Convening Authority, recommending separation with an honorable discharge, with or without probation and rehabilitation.

(d) Direct reinitiation for processing according AFR 39-10, Chapter 6, Section C, if the issuance of an under other than honorable conditions discharge may be warranted.

7. Discussion:

(a) [REDACTED] has continually demonstrated that he is unable to live upto the standards the Air Force requires of its members. He has been arrested for being drunk in public, was Absent Without Leave on two occasions, violated military regulations by wearing an earring, failed to perform his duties in a timely fashion, and disobeyed direct orders from his superiors on several occasions.

(b) [REDACTED] states that he has not repeated the behaviors for which he was counseled and that he has learned from his mistakes. This statement, however, is without merit. He was AWOL for 13 days in June 1991 and received punishment for his misconduct. On 22 Jun 1992, after being denied an extension on his leave by his supervisor, [REDACTED] called [REDACTED] person not within his chain of command, and insisted that his leave be extended. He did not inform [REDACTED] that his supervisor had refused to extend his leave. Although his leave was not extended, [REDACTED] decided on his own to extend his leave and failed to report for duty at the proper time.

(c) Additionally, [REDACTED] was arrested on 28 Mar 92 for being drunk in public. He was counseled on his inappropriate conduct. Unfortunately, [REDACTED] inappropriate conduct did not cease after this counseling session. On 12 Dec 92, while attending the 7th CG Christmas party at the [REDACTED] Hotel, he became extremely intoxicated. He was ordered by his supervisor and other superiors to return back to his barracks. However, he refused to leave. Two hotel security guards assisted [REDACTED] out of the hotel and he was told by a superior not to return to the hotel. He returned to the hotel an hour later, still intoxicated and inappropriately dressed. At that time, he again refused an order to leave the hotel.

(d) [REDACTED]'s record of disciplinary problems indicates that he has not learned from his mistakes and is unable to conform to Air Force Standards of Conduct.

8. I recommend that you approve [REDACTED]'s separation from the Air Force with a general discharge, without probation.

[REDACTED]



DEPARTMENT OF THE AIR FORCE  
7TH COMMUNICATIONS GROUP  
WASHINGTON DC 20330-6345

REPLY TO: MS  
ATTN OF:

15 JAN 1993

SUBJECT: Notification Letter

**TO: [REDACTED] Unit: 7th Communications Group, Office SYM: DSS**

1. I am recommending your discharge from the United States Air Force for Misconduct - Minor Disciplinary Infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be described as a General Discharge and you will be ineligible for reenlistment in the Air Force.

2. My reasons for this action is:

(a) Letter of Reprimand, dtd 16 Dec 92, Failure to Show at a Mandatory Appointment (Commander's Call).

(b) Letter of Counseling, dtd 16 Nov 92, Failure to Accomplish Required Task.

(c) Letter of Counseling, dtd 25 Jun 92, Unauthorized Leave of Absence.

(d) Letter of Counseling, dtd 9 Apr 92, Drunk in Public.

(e) Article 15, dtd 15 Jul 91, Absent Without Leave (AWOL) from 18 June 91 to 1 July 91, suspended reduction to Amn (E-1) until 31 Dec 91 and forfeiture of \$250.00 pay per month for 2 months.

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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made you an appointment for you to consult [REDACTED] at 1415 HRS on 25 JAN 1993 at Andrews AFB, MD, Building 1430, Commercial [REDACTED]. 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 by 27 JAN 1993 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 Malcolm Grove Medical Center, Andrews AFB, MD at **0700 hrs** on 22 JAN 1993. You cannot consume any alcoholic beverages 72 hrs prior to this appointment, cannot engage in any type of physical exercise 24 hrs prior to this appointment, and cannot eat any meals 14 hrs prior to this appointment. Also, if you wear contact lenses, do not bring them with you to this appointment.

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 review in the 7th Communications Group Mission Support Section, located in room **1D1000**. You are required to return AFR **39-10** when your case has been completed.

9. Execute the attached acknowledgment and return it to me immediately.

[Redacted]  
Commander, Mission Support

2 Atch  
1. Supporting Documents  
2. Airman's  
Acknowledgment