

PERSONAL APPEARANCE		X RECORD REVIEW				
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING		HON	GEN	DOTIC	OTHER	DENY
						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
ISSUES A92.21, A93.01		INDEX NUMBER A67.90		1 ORDER APPOINTING THE BOARD		
HEARING DATE 01 05 01		CASE NUMBER FD01-00077		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 HEARING		
REMARKS						
Case heard at 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.						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
[REDACTED]			[REDACTED]			
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			

AFHQ FORM 0-2077, JAN 00

(EF-V2)

Previous edition will be used.

**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 that 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. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The records indicated the applicant received two Article 15s and a Vacation of Suspended Non-Judicial Punishment for willfully failing to refrain from consuming alcoholic beverages while underage and overindulgence in intoxicating liquor. 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 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was 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 AB) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/08/18 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 77/10/18. Enlmt Age: 19 5/12. Disch Age: 20 10/12. Educ:HS DIPL. AFQT: N/A. A-87, E-53, G-48, M-60. PAFSC: 3P031 - Security Forces Apprentice. DAS: 98/02/21.

b. Prior Sv: AFRes 97/03/21 - 97/09/30 (6 months 10 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 97/10/01 for 4 yrs. Svd: 0 Yrs 10 Mo 18 Das, all AMS.

b. Grade Status: AB - 98/07/14 (Article 15, 98/07/14)  
AMN - 98/06/12 (Article 15, 98/06/12)

c. Time Lost: none.

- d. Art 15's: (1) 98/07/14, F.E. Warren AFB, WY - Article 92. You, who knew of your duties, o/a 20 Jun 98, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. Rdn to AB, and 30 days extra duty. (No appeal) (No mitigation)
- (2) 98/07/14, Vacation, F.E. Warren AFB, WY - Article 92. You, who knew of your duties, o/a 20 Jun 98, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages, while underage, as it was your duty to do. Forfeiture of \$463.00 pay per month for 2 months. (No appeal) (No mitigation)
- (3) 98/06/12, F.E. Warren AFB, WY - Article 92. You, who knew of your duties, o/a 30 May 98, were derelict in performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. Article 134. You, were, o/a 30 May 98, as a result of wrongful previous overindulgence in intoxicating liquor incapacitated for the proper performance of your duties. Article 134. You, did, o/a 1 Jun 98, wrongfully possess an official identification card for

the state of -----, you, the said -----, then well knowing the same to be unauthorized. Rdn to Amn, forfeiture of \$519.00 pay per month for 2 months (susp till 11 Dec 98), and 15 days extra duty. (No appeal) (No mitigation)

- e. Additional: none.
- f. CM: none.
- g. Record of SV: none.  
(Discharged from F.E. Warren AFB)
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (1) Yrs (4) Mos (28) Das  
TAMS: (0) Yrs (10) Mos (18) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/01/25.  
(Change Discharge to Honorable)

Issue 1: I am requesting that my discharge from the United States Air Force be upgraded from General (Under Honorable Conditions) to the status of Honorable.

Enclosed are letters attesting to the fact that I have matured as an adult and have demonstrated responsibility in my personal and occupational affairs.

I am presently applying for the position of Police Officer in several ----- cities and feel that an upgrade of my discharge might attest to the maturing of my character.

I have been employed as a member of the Public Safety Department of ----- University since January of 1999 and have a ----- State Pistol and Revolver Permit since January 5, 2000.

While I did not realize the significance of my actions while a member of the United States Air Force, which I must attribute to immaturity, I now feel that my civilian activity have demonstrated my ability to be a responsible member of society.

I respectfully request your consideration of this submission and that final disposition will result in the upgrading of my discharge to Honorable Conditions.

ATCH

1. Three Character References.
2. Basic Certification.
3. Driver's License.
4. Two DD Forms 214.
5. VA Cover Letter.

01/03/12/ia



DEPARTMENT OF THE AIR FORCE

90TH SPACE WING (AFSPC)

14 AUG 1998

MEMORANDUM FOR CCC

FROM: JA

SUBJECT: L - Opinion: Discharge Under Provisions of AFPD 36-32 and AFI 36-3208, Para 5.50.2

1. **BASIS FOR ACTION:** Administrative discharge action was initiated on 4 Aug 98 against AB [REDACTED], under the provisions of AFPD 36-32 and AFI 36-3208, paragraph 5.50.2 (a pattern of misconduct). The squadron commander recommends separation with a general discharge. He does not recommend probation and rehabilitation: Airman [REDACTED] is not entitled to a board hearing. He has consulted with counsel and submitted a statement on his behalf.

2. **FACTS:** Airman [REDACTED] record shows a pattern of disciplinary problems that violate the UCMJ. His misconduct includes three failures to refrain from consuming alcohol while underage, intoxication while on duty, and wrongful possession of an official identification card for the state of Colorado. Rehabilitative efforts include two Article 15s, one with vacation of suspended punishment, and an Unfavorable Information File (UIF). For more details, see Notification Memorandum dated 4 Aug 98.

3. **PERSONAL DATA:** Airman [REDACTED] is 20 years old and has served on active duty since 1 Oct 97. His duty title is Dorm Manager Assistant, DAFSC 9D000. He is single and lives on base in a dormitory.

4. **REGULATORY GUIDANCE:**

a. An airman may be subject to discharge based on a pattern of misconduct that consists wholly or in part of misconduct more serious than that considered under paragraph 5.49 (minor disciplinary infractions). A pattern of misconduct includes conduct of a nature that tends to disrupt order, discipline, or morale within the military community.

b. The Air Force concept of probation and rehabilitation (P&R) is to give the member a chance to show that he or she is able to meet Air Force standards. The separation authority may offer P&R in any case where there seems to be a reasonable expectation of rehabilitation. The initiating commander and separation authorities must consider P&R if the reason for discharge is misconduct (AFI 36-3208, paragraph 7.2 and 7.4). \*

5. **FOR THE RESPONDENT:**

a. Airman [REDACTED] is entitled to wear the Air Force Training Ribbon.

b. Airman [REDACTED] was served notice of this action on 4 Aug 98. He acknowledged receipt, consulted with counsel, and submitted a statement on his behalf on 6 Aug 98. In his response, AB [REDACTED] admits he has an alcohol problem and has no excuses for his misconduct. He requests you consider retaining him in the military, and to consider all the incidents were alcohol

related. He said, "I am willing to enter an alcohol rehabilitation program and would agree that any further drinking related issues would result in my discharge from the Air Force." He also requests that his service be characterized as honorable.

**6. FOR THE GOVERNMENT:**

a. A pattern of criminal misconduct is contrary to the self-discipline required for effective military service. Law enforcement personnel have twice apprehended him for underage drinking, at which time he blew a .3 and .2 on the intoximeter test. He was also unable to perform his duties due to his incapacitated state, which impaired mission effectiveness.

b. Airman [REDACTED] misconduct demonstrates he is not fit for military service. A general discharge is warranted when the negative aspects of an airman's service outweigh the positive. An honorable discharge is reserved for airmen whose service generally has met Air Force standards of acceptable conduct and performance of duty. Airman [REDACTED] misconduct makes the latter characterization inappropriate. The squadron commander believes probation and rehabilitation are not appropriate under these circumstances because AB [REDACTED] has not responded to previous opportunities to bring his conduct within Air Force standards. We concur.

**7. OPTIONS:** As the separation authority in this case you may:

a. Retain AB [REDACTED] on active duty; or

b. Recommend reinitiation of this action if you believe an under other than honorable conditions discharge is warranted and refer this case to a board of officers; or

c. Recommend an honorable discharge with or without probation and rehabilitation and forward this package to 20 AF/CC for approval; or

d. Discharge AB [REDACTED] with a general discharge with or without probation and rehabilitation.

**8. CONCLUSION AND RECOMMENDATION:** This discharge complies with AFI 36-3208 and the record is legally sufficient to support the discharge of AB [REDACTED] for a pattern of misconduct. We concur with the squadron commander and recommend you discharge [REDACTED] with a general discharge without probation and rehabilitation. If you have questions or comments you may contact the undersigned or the action officer, Capt [REDACTED] at extension 2256.



Attachment:  
Discharge package w/six tabs



DEPARTMENT OF THE AIR FORCE

90TH SPACE WING (AFSPC)

17 Aug 98

MEMO FOR [REDACTED]

FROM: 790 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service could 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, who knew of your duties at Francis E. Warren Air Force Base, Wyoming on or about 20 June 1998, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. For this conduct, you received an Article 15 on 14 Jul 98 and it was placed in you existing Unfavorable Information File (UIF).

b. You, who knew of your duties at Francis E. Warren Air Force Base, Wyoming on or about 20 June 1998, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. For this conduct, you received a vacation of suspended nonjudicial punishment on 14 Jul 98.

c. You, who knew of your duties at Francis E. Warren Air Force Base, Wyoming on or about 30 May 1998, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. For this conduct, you received an Article 15 on 12 June 98 and had a UIF established.

d. You were, at or near Francis E. Warren Air Force Base, Wyoming, on or about 30 May 1998, as a result of wrongful previous overindulgence in intoxicating liquor incapacitated for the proper performance of your duties. For this conduct you received an Article 15 and had a UIF established.

e. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 1 June 1998, wrongfully possess an official identification card for the state of Connecticut, then well knowing the same to be unauthorized. For this conduct you received an Article 15 and had a ~~UIF~~ established.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 with an attorney at the Area Defense Counsel's Office, Bldg. 292, ext. 3248, on 4 Aug 98 at 1300 hrs. You may consult civilian counsel at your own expense.
5. You have the right to submit a statement on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification letter, that date being 7 Aug 98, unless you request and receive an extension for good cause shown. I will send any **statements** you submit to the separation authority for his consideration.
6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of **AFTI** 36-3208 is available for your use in your squadron orderly room.
8. Execute the attached acknowledgment and return it to me immediately.



Commander, 790th Security Forces Squadron

Attachments:

1. AF Form 3070 w/Atchs, dated 14 Jul 98
2. AF Form 366 w/Atch, dated 14 Jul 98
3. AF Form 3070 w/Atchs, dated 12 Jun 98