

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>SSGT</b>	AFSN/SSAN <b>[REDACTED]</b>		
TYPE	<b>X PERSONAL APPEARANCE</b>		<b>RECORD REVIEW</b>		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			
YES	NO	<b>[REDACTED]</b>			
<b>X</b>					
		ADDRESS AND OR ORGANIZATION OF COUNSEL			
		VOTE OF THE BOARD			
MEMBERS SITTING		HON	GEN	UOTHC	OTHER
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
ISSUES <b>A94.43</b>		INDEX NUMBER <b>A69.00</b>		EXHIBITS SUBMITTED TO THE BOARD	
				<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
HEARING DATE <b>26 SEP 02</b>		CASE NUMBER <b>FD2001-0468</b>			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.					
REMARKS <b>Case heard at Washington, D.C.</b>  <b>Advise applicant of the decision of the Board.</b>					
SIGNATURE OF RECORDER <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>		
INDORSEMENT				DATE: <b>30 SEP 02</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

FD01-0468

**GENERAL:** The applicant appeals for a change to the reason for the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB, MD on September 26, 2002.

The following additional exhibits were submitted at the hearing: Exhibit 5: Applicant's issues; Exhibit 6: Character Letter, Wackenhut Security Systems & Services; Exhibit 7: Character Letter, [REDACTED]; Exhibit 8: Character Letter, [REDACTED]; Exhibit 9: Letter from [REDACTED] Dist. Justice (w/ 2 charging forms attached)

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** The request was denied.

**ISSUE:** The applicant contends her discharge was inequitable because she was not given an appropriate opportunity to complete alcohol rehabilitation. The records indicated the applicant received an Honorable discharge for failure in alcohol rehabilitation. She received two Article 15's for dereliction of duty (underage drinking) and for being drunk on duty. She also received a Letter of Reprimand for a civilian arrest for DUI (.167 BAC), resisting arrest, and leaving the scene of an accident. After a thorough and complete consideration of the information submitted by the applicant, the applicant's personal testimony, and information contained in the record, the Board concluded there was no indication of any inequity or impropriety associated with her discharge. The facts indicated clearly that the applicant was given ample and appropriate opportunity to complete rehabilitation, but that she herself refused to continue in the program. There was also insufficient mitigation and extenuation to substantiate a change in the reason for the 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.

The Board further concludes that the given the nature of the situation, the overall quality of applicant's service is accurately reflected by an Honorable discharge, but that the reason for the discharge should remain Failure in Alcohol Rehabilitation.

Attachment:  
Examiner's Brief

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

[REDACTED]

(Former SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 01/06/03 UP AFI 36-3208, para 5.32 (Alcohol Rehabilitation Failure). Appeals for a Change Reason and Authority for Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 76/09/29. Enlmt Age: 18 8/12. Disch Age: 24 8/12. Educ:HS DIPL. AFQT: N/A. A-72, E-61, G-55, M-44. PAFSC: 3P051 - Security Forces Journeyman. DAS: 00/07/19.

b. Prior Sv: (1) AFRes 95/06/14 - 95/10/10 (3 months 27 days) (Inactive).

(2) Enld as AB 95/10/11 for 4 yrs. Extended 97/01/31 for 10 months. Extended 97/06/25 for 1 month. Svd: 4 yrs 0 months 1 day, all AMS. AMN - 96/04/11. A1C-(EPR Indicates): 95/10/11-97/08/12. SRA - 98/10/11. EPRs: 5,4,4.

Article 15's: (1) 97/11/12, Misawa AB, Japan - Article 134. You, were, on or about 23 Oct 97, as a result of wrongful previous overindugences in intoxicating liquor incapacitated for the proper performance of your duties. Reduction to Amn (suspended until 11 May 98), and 30 days extra duty. (No appeal) (No mitigation)

(2) 96/01/09, Lackland AFB, TX - Article 92. You, who knew of your duties, on or about 21 Dec 95, were derelict in the performance of those duties in that you willfully consumed alcohol, which was your duty not to do. Forfeiture of \$398.00 pay, and 15 days extra duty.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 99/10/12 for 4 yrs. Svd: 01 Yrs 07 Mo 22 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: none.

e. Additional: LOR, 23 JAN 01 - Driving under the influence of alcohol.

f. CM: none.



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 1ST FIGHTER WING  
LANGLEY AIR FORCE BASE VA

9 MAY 2001

MEMORANDUM FOR 1 FW/CC

FROM: 1 FW/JA

SUBJECT: Administrative Discharge [REDACTED] 1 SFS

1. I have reviewed the proposed discharge action case file and find it legally sufficient to support a decision to separate respondent with an honorable conditions discharge, as soon as she is found medically fit for separation.

2. **Background:**

a. Respondent is a 24-year-old Security Forces Military Working Dog Handler assigned to the 1st Security Forces Squadron (1 SFS). Her TAFMSD is 11 Oct 95 and she began her 4-year enlistment on 12 Oct 99. She was assigned to her present unit on 19 Jul 00. Respondent has received overall ratings on her enlisted performance reports of one 5, two 4s, and one 3.

b. On 28 Mar 01, 1 SFS/CC properly notified respondent of his recommendation to separate respondent under the provisions of AFI 36-3208, Chapter 5, Section F, paragraph 5.32 for failure in alcohol abuse treatment with an under honorable conditions (general) discharge. The respondent is entitled to a board hearing. Discharge has been properly pursued via the board hearing procedures of AFI 36-3208, Chapter 6, Section C.

3. **Evidence for the Government:** On or about 9 Jan 01, respondent entered the ADAPT program for alcohol abuse at Langley Air Force Base. Respondent was removed from treatment for lack of motivation and past non-compliance with the program on 7 Mar 01.

4. **Evidence for the Respondent:** Respondent's unit properly notified her of her right to demand an administrative discharge board hearing and to submit statements on her behalf for your consideration. On 3 May 01, after consulting military legal counsel, the respondent submitted a conditional waiver of her rights to a board hearing contingent upon receiving no less than an honorable discharge. In addition, her defense counsel submitted a response located at Tab 2. Defense counsel submits that the respondent has no disciplinary history with in her current enlistment with the exception of one LOR. Further, since the 1 Jan 01 incident, she has not been involved in any alcohol related incidents. Defense counsel contends respondent's service record is not perfect but it is definitely respectable. She requests that you consider the best interests of the Air Force, as well as the best interests of [REDACTED]

5. **Discussion:** The respondent's offer for a conditional waiver should only be accepted if the respondent's service can fairly be characterized as honorable and it is in the interest of the Air Force to accept the waiver rather than conduct the board hearing.

a. Respondent received an LOR dated 23 Jan 01, for operating a motor vehicle in Pennsylvania while under the influence of alcohol, leaving the scene of an accident, and resisting arrest. Respondent's BAC was .167. Based on respondent's overall performance, 1 SFS/CC recommended an under honorable conditions (general) discharge. A general discharge is appropriate when "significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record." When the discharge was first initiated this characterization was appropriate. Since then, the charges have been dropped by the Commonwealth of Pennsylvania. Respondent's conduct is not so egregious that a general discharge is warranted in this case. Beyond this one incident her military record in her current enlistment is not perfect but has generally meet Air Force standards or acceptable performance. Furthermore, 1 SFS/CC requests you concur and allow respondent an honorable discharge in order to expedite the process of her discharge from the service.

b. Accepting the conditional waiver in this case is in the interest of the Air Force. A board proceeding constitutes a significant expenditure of resources. In addition to the legal work of both counsel and the legal advisor, a board hearing takes the members and the witnesses away from their normal duties. In this case, it is in the Air Force interest to accept the waiver.

c. Respondent has not requested probation and rehabilitation. Additionally, the respondent's refusal for both out patient and in patient care demonstrates her poor rehabilitative potential. I do not recommend probation and rehabilitation in conjunction with this discharge.

6. **Errors and Irregularities:** I note no errors or irregularities prejudicial to respondent's substantive or procedural rights.

7. **Options:** As separation authority in this case, you may:

- a. Direct retention, if you determine the evidence does not warrant discharge;
- b. Accept respondent's conditional waiver and discharge respondent with an honorable discharge, with or without probation and rehabilitation; or,
- c. Reject respondent's conditional waiver and direct her to submit an unconditional waiver or a demand for a board hearing.

8. **Recommendation:** Sign the attached memorandum accepting respondent's conditional waiver and discharge the respondent with an honorable discharge without probation and rehabilitation.

A large, dark, irregularly shaped redaction mark covering the signature area.

I concur.

A large, dark, irregularly shaped redaction mark covering the signature area.

Attachments:

1. Proposed Letter
2. Case File



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 1ST FIGHTER WING  
LANGLEY AIR FORCE BASE VA

28 MAR 2001

MEMORANDUM FOR [REDACTED]

FROM: 1 SFS/CC

SUBJECT: Notification Memorandum – Board Hearing

1. I am recommending your discharge from the United States Air Force for failure in alcohol abuse treatment according to AFPD 36-32 and AFI 36-3208, Chapter 5, Section F, paragraph 5.32. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.
2. My reason for this action is that on or about 9 Jan 01, you entered the ADAPT program for alcohol abuse at Langley Air Force Base. You were removed from treatment for lack of motivation and past non-compliance with the program on 7 Mar 01.
3. This action could result in your separation with an under honorable conditions (general) discharge. I am recommending that you receive an under honorable conditions (general) discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds you have received may be subject to recoupment.
4. 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 deciding to waive any of your rights.
5. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] Area Defense Counsel, 54 Willow Street, Bldg. 147, Ext. 5607 at 1300 hours on 28 MAR 2001. 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 in 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 board hearing.

7. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at 0800 hours on 29 Mar 2001. An additional examination will be scheduled if necessary. You must bring your medical records to your scheduled appointment.

8. 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 in the unit orderly room.

9. 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.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

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



Attachments:

1. Supporting Documents
  - a. LOR - 23 Jan 01
  - b. Memo for 1<sup>st</sup> SFS/CC - 16 Mar 01
  - c. Memo from [REDACTED] - 27 Mar 01
2. Receipt of Notification Memorandum