

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL.) ██████████		GRADE AMN	AFSN/SSAN ██████████		
TYPE COUNSEL	PERSONAL APPEARANCE		X RECORD REVIEW		
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO				
	X				
MEMBERS SITTING		VOLE OF THE BOARD			
		HON	GEN	UOTHC	DENY
██████████					X
██████████					X
██████████					X
██████████					X
██████████					X
ISSUES A92.37, A93.19, A94.53	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 HEARING		
HEARING DATE 02-05-29	CASE NUMBER FD2002-0003	APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE			
REMARKS					
Case heard at Washington, DC					
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 ██████████			
ENDORSEMENT		DATE: 02-05-29			
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 RD FLOOR ANDREWS AFB, MD 20762-7002			

41R FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASENUMBER

FD2002-0003

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

issues. Applicant was discharged for minor disciplinary infractions. He had two Articles 15, and vacation of a Suspended reduction. His misconduct included two instances of underage drinking, driving drunk, being drunk and disorderly, and assaulting another airman. Member was entered into the Substance Abuse Awareness Seminar program after his first Article 15, diagnosed a problem drinker, and successfully completed the program. He was again referred for substance abuse counseling after his subsequent recurrent incidents, and diagnosed an alcohol abuser. At the time of the discharge, applicant waived his right to consult counsel or submit a statement in his own behalf. The Board found the personnel and discharge records indicate member was given adequate opportunity to improve and conform his behavior to Air Force standards and was either unwilling or unable to do so. Therefore, no inequity or impropriety was found in his discharge in the course of the records review.

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 AMN) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 96/06/20 UP AFI 36-3208, para 5.49 .(Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 76/07/11. Enlmt Age: 17 0/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-79, E-52, G-44, M-83. PAFSC: 2A531E - Aerospace Maintenance Apprentice. DAS: 94/12/31.

b. Prior Sv: (1) AFRes 93/07/20 - 94/06/14 (10 months 25 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 94/06/15 for 4 yrs. Svd: 02 Yrs 00 Mo 06 Das, all AMS.

b. Grade Status: AB - 96/06/13 (Article 15, 96/06/13)
AMN - 96/01/26 (Article 15, Vacation, 96/05/20)
A1C - 95/10/15
AMN - (EPR Indicates): 94/06/15-96/02/14

c. Time Lost: none.

d. Art 15's: (1) 96/06/13, Whiteman AFB, MO - Articles 92, 134, & 128. You did, on or about 17 May 96, while being under 21 years of age, fail to obey a lawful general regulation/instruction, to wit: Air Force Instruction 34-119, para 1.1, dated 25 Jul 94, by wrongfully consuming alcoholic beverages at or near dormitory room number 107, Columbia Hall. You were, on or about 17 May 96, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. You did, on or about 17 May 96, assault A1C ----- by attempting to hit him with an open hand and by telling him you would "kick his ass," of words to that effect. Reduction to AB. (No appeal) (No mitigation)

(2) 96/05/20, Vacation, Whiteman AFB, MO - Article 92. You did, on or about 17 May 96, while under 21 years of age, fail to obey a lawful general regulation/instruction, to wit: Air Force Instruction 34.119, para 1.1, dated 25 Jul 94, by wrongfully consuming alcoholic beverages. Reduction to Amn. (No appeal) (No mitigation)

(3) 96/01/26, Whiteman AFB, MO - Articles 111 & 92.
You, did, on or about 13 Jan 96, operate a motor
vehicle while *drunk* and ran a stop sign at the four way
stop in Knob Noster. You did, on or about 13 Jan 96,
while under 21 years of age, fail to obey a lawful
general regulation/instruction, to wit: Air Force
Instruction 34-119, para 1.1 dated 25 Jul 94, by
wrongfully consuming alcoholic beverages. Reduction to
Amn (suspended until 25 Jul 96), and 45 days extra
duty. (No appeal) (No mitigation) ..

e. Additional: none.

f. CM: none.

g. Record of SV: 94/06/15 - 96/02/14 Whiteman AFB 4 (Initial)

(Discharged from Whiteman AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (11) Mos (01) Das
TAMS: (02) Yrs (00) Mos (06) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/12/20.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. College Transcripts.

02/04/08/ia

**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 509TH BOMB WING (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI**

JUN 19 1996

MEMORANDUM FOR 509 BW/CC

FROM 509 BW/JA

**SUBJECT: Final Legal Review, AFI 36-3208, Administrative Discharge Case
AB [REDACTED] 393 BS**

1. BASIS OF ACTION The respondent's squadron commander initiated discharge action under AFPD 36-32 and AFI 36-3208, paragraph 5.49, for minor disciplinary infractions. He recommends an under honorable conditions (general) discharge without probation and rehabilitation.

2. EVIDENCE FOR THE GOVERNMENT: The record contains sufficient evidence to substantiate discharge under paragraph 5.49. Specific instances of the respondent's minor disciplinary infractions include:

- a. On or about 17 May 1996, he, while being under 21 years of age, failed to obey a lawful general regulation/instruction, by wrongfully consuming alcoholic beverages at or near dormitory room number 107.
- b. On or about 17 May 1996, he was *drunk* and disorderly.
- c. On or about 17 May 1996, he assaulted A1C [REDACTED] by attempting to hit him with an open hand and by telling him he would "kick his ass," or words to that effect.
- d. On or about 13 January 1996, he operated a motor vehicle while *drunk* and ran a stop sign at the four way stop in Knob Noster.
- e. On or about 13 January 1996, while under 21 years of age, he failed to obey a lawful general regulation/instruction, by wrongfully consuming alcoholic beverages.

3. EVIDENCE FOR THE RESPONDENT: AB [REDACTED] is 20 years old. He elected not to consult counsel, and elected to not submit matters in his behalf. AB [REDACTED] entered the Air Force on 6/15/94. He is entitled to wear the Air Force Training Ribbon.

4. DISCUSSION: AB [REDACTED] on-duty conduct has been marginal. However, his off-duty conduct has brought discredit upon the **armed forces** in the eyes of our local civilian communities and has jeopardized the **good** order and discipline of his unit. He has also displayed a poor attitude by failing to obey Air Force Instructions on numerous occasions. AB [REDACTED] has been given many opportunities to correct his **behavior**. However, past rehabilitative efforts failed. His conduct warrants a discharge for cause. Retaining AB [REDACTED] on active duty in a probationary status is not consistent with good order and discipline.

5. DISPOSITION ALTERNATIVES: You, as the special court-martial convening authority, are the separation authority for this action. You may:

- (a) retain the respondent in the Air Force;
- (b) direct that the respondent be separated with **an** under honorable conditions (general) discharge, with or without probation and rehabilitation;

(c) recommend the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward this case to the general court-martial convening authority (8th AF/CC) for action;

(d) direct this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, Chapter 6, Section C, if you feel a discharge under other than honorable conditions (UOTHC) is warranted; or

(e) direct the case be reinitiated under another paragraph of AFI 36-3208, if you deem it more appropriate.

7. RECOMMENDATION: I recommend you discharge the respondent, characterizing his service as under honorable conditions (general), without an offer of probation and rehabilitation. If you agree, please sign the attached correspondence and return this file to JA for further processing.



, Lt Col, USAFR
Chief, Military Justice

Attachment:
Discharge Package - AB-

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 393 BOMB SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

MEMORANDUM FOR : [REDACTED] 393 BS

FROM: 393 BS/CC

17 JUL 1996

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

- a. On or about 17 May 1996, you, while being under 21 years of age, failed to obey a lawful general regulation/instruction, by wrongfully consuming alcoholic beverages at or near dormitory room number 107, as evidenced by an AF Form 3070, dated 13 Jun 96 and an AF Form 366, dated 28 May 1996. (Atch 1a & 1b)
- b. On or about 17 May 1996, you were **drunk** and disorderly, as evidenced by an AF Form 3070, dated 13 June 1996. (Atch 1a)
- c. On or about 17 May 1996, you assaulted A1C [REDACTED] by attempting to hit him with an open hand and by telling him you would "kick his ass," or words to that effect, as evidenced by an AF Form 3070, dated 13 June 1996. (Atch 1a)
- d. On or about 13 January 1996, you operated a motor vehicle while **drunk** and **ran** a stop sign at the four way stop in Knob Noster, as evidenced by an AF Form 3070, dated 26 January 1996. (Atch 1c)
- e. On or about 13 January 1996, while under 21 years of age, you failed to obey a lawful general regulation/instruction, by wrongfully consuming alcoholic beverages, as evidenced by an AF Form 3070, dated 26 January 1996. (Atch 1c)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM authority 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

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 Captain [REDACTED] at building 509 on _____ at _____
You may consult civilian counsel at your own expense. WAIVED RIGHT

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1700 20 JUN 96 unless you request and receive an extension for good cause shown. 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 medical examination. You must report to Physical Exams at ~~1345~~ TBD ~~██████████~~ on ~~21 MAY~~ for the examination.
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 your Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.

~~██████████~~
~~██████████~~ Lt Col, USAF
Commander

Attachments:

1. Supporting documents for the reason for discharge
 - a. AF Form 3070, dtd 13 Jun 96
 - b. AF Form 366, dtd 28 May 96
 - c. AF Form 3070, dtd 26 Jan 96
2. Documents containing derogatory information -- which are not listed in the notification memorandum: None.
3. Airman's receipt of notification memorandum, dated 17 JUN 1996