

PERSONAL APPEARANCE		X RECORD REVIEW					
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO						
	X						
MEMBERS SITTING		VOTE OF THE BOARD					
		HON	GEN	BOHMC	OTHER	DENY	
[REDACTED]						X	
[REDACTED]						X	
[REDACTED]						X	
[REDACTED]						X	
[REDACTED]						X	
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD					
A94..05	A69.00	1	ORDER APPOINTING THE BOARD				
		2	APPLICATION FOR REVIEW OF DISCHARGE				
		3	LETTER OF NOTIFICATION				
HEARING DATE	CASE NUMBER	4	BRIEF OF PERSONNEL FILE				
27 AUG 02	FD2002-0146		COUNSEL'S RELEASE TO THE BOARD				
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
			TAPE RECORDING OF PERSONAL APPEARANCE HEARING				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
REMARKS Case heard at Washington, D.C. Advise applicant of the decision of the Board, the right to a personal appearance, and the right to submit an application to the AFBCMR.							
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT				
[REDACTED]			[REDACTED]				
INDORSEMENT					DATE: 27 AUG 02		
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				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0146

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.

ISSUE: The applicant believes that his discharge was too harsh. The records indicated applicant received a General Discharge for failure to complete alcohol rehabilitation. He received an Article 15 for driving while intoxicated. Applicant also received a Letter of Reprimand for causing an accident and leaving the scene without contacting the owner or reporting it to the Security Forces Squadron. The Board found the seriousness of the willful misconduct offsets any positive aspects of the applicant's duty performance. The Board concluded the misconduct was a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on 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) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/09/15 UP AFI 36-3208, para 5.32 (Alcohol Rehabilitation Failure). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 76/04/05. Enlmt Age: 19 1/12. Disch Age: 24 5/12. Educ: HS DIPL. AFQT: N/A. A-57, E-79, G-53, M-64. PAFSC: 4N051 - Medical Service Journeyman. DAS: 99/08/09.

b. Prior Sv: (1) AFRes 95/05/23 - 95/11/20 (5 months 28 days) (Inactive).

(2) Enlisted as AB 95/11/21 for 4 yrs. Svd: 3 yrs 2 months 0 days, all AMS. AMN - 96/05/21. A1C - 97/03/21. SRA - 98/11/21. EPRs: 3,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 99/01/21 for 6 yrs. Svd: 01 Yrs 07 Mo 25 Das, all AMS.

b. Grade Status: A1C - 00/08/09 (Article 15, 00/08/09)

c. Time Lost: none.

d. Art 15's: (1) 00/08/09, Ramstein AB, Germany - Article 111. You did, at or near Weilerbach, Germany, on or about 5 Jul 00, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your blood was 0.10 grams of alcohol per 100 milliliters of blood or greater, specifically 1.53 grams of alcohol per 100 milliliters of blood, as shown by chemical analysis. Reduction to A1C and a reprimand. (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: 95/11/21 - 97/07/20 Shaw AFB 3 (Initial)
 97/07/21 - 00/07/20 Shaw AFB 5 (Annual)
 98/07/21 - 99/07/20 Shaw AFB 4 (Annual)
 99/07/21 - 00/07/20 Ramstein AB 2 (Annual) REF

(Discharged from Shaw AFB)

h. Awards & Decs: AAM W/1 DEV, AFLSAR, NDSM, AFOUA W/1 DEV, AFGCM.

i. Stmt of Sv: TMS: (05) Yrs (03) Mos (23) Das
TAMS: (04) Yrs (09) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/02/28.
(Change Discharge to Honorable)

Issue 1: I feel that my discharge should be upgraded to honorable for several reasons. First, per my Legal Review of Discharge, my commander at the time of the order felt my service was honorable, and my discharge should be named as such. I realize that I have tarnished my otherwise excellent military record with this ~~one~~ incident, and I have rectified the problem. I have now successfully completed the ADAPT program, and have continued being a productive member of society as a civilian. I am also enrolled full time in college with a "B" average. Enclosed are my service records, including letters of accomplishment and appreciation, Air Force Achievement Awards, and Enlisted Performance Reports, all outlining my exceptional devotion to duty and drive to go beyond what was expected of me. I would like my military record to once again reflect my steller performance.

ATCH

1. Legal Review.
2. Completion of ADAPT.
3. DD Form 214 (Member 4 & 1).
4. Three Enlisted Performance Reports.
5. Certificate of Appreciation.
6. Certificate of Accomplishment.
7. Two Air Force Achievement Medal.
8. Grade Report.

02/07/12/ia



FD2002-0146
DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAFE)

29 AUG 2000

MEMORANDUM FOR 86 AW/CC

FROM: 86 AW/JA

SUBJECT: Legal Review of Discharge [REDACTED] 86 AES

1. I have reviewed the administrative discharge action against [REDACTED] initiated on 23 Aug 00 by [REDACTED] 86 AES/CC and it is legally sufficient to support discharge.

2. BASIS FOR THE ACTION: Administrative discharge action was initiated pursuant to AFI 36-3208, Section F, paragraph 5.32, *Failure in Alcohol Abuse Treatment*. The worst service characterization [REDACTED] may receive under this paragraph is general [REDACTED] discharge is based upon the following: on 14 Jul 00, he was determined as an Alcohol and Drug Abuse Prevention and Training (ADAPT) Program failure based on a demonstrated pattern of unacceptable behavior, inability to comply with treatment plan, and continued substance use after receiving initial treatment, as evidenced by the memorandum provided by [REDACTED] Clinical Psychologist, Chief, Substance Abuse Program, dated 14 Jul 00.

3. MATTERS SUBMITTED BY THE RESPONDENT: Respondent consulted counsel on 25 Aug 00 and did not submit a statement on his own behalf.

4. DISCUSSION: The respondent's commander has recommended that the respondent be separated from the United States Air Force with an honorable discharge under AFI 36-3208, Section F, paragraph 5.32, *Failure in Alcohol and Abuse Treatment*. This paragraph authorizes discharge of airmen who fail to successfully complete an alcohol abuse treatment program due to inability, refusal to participate in the program, or unwillingness to cooperate. Such airman should be separated if they lack the potential for continued military service. In this case, [REDACTED] treatment manager states [REDACTED] is a ADAPT program failure due to his unacceptable behavior of drinking and driving and failing to adhere to program requirements by abstaining from alcohol while enrolled in the ADAPT program. The incidents resulting in [REDACTED] failure in the ADAPT program cited by his commander are legally sufficient to support discharge under this paragraph.

5. OTHER MATTERS: Before the respondent can be discharged, he must be found medically qualified for worldwide duty in accordance with AFI 36-3208, paragraph 6.3. [REDACTED] had his medical appointment on 24 Aug 00 and processing should not be delayed to wait for the medical report. You may authorize the discharge, but it will not be executed until the medical report is complete.

6. CHARACTERIZATION OF SERVICE:

a. Characterization of service should be based on the quality of the member's service in the current enlistment. The respondent has over three years and one month of military service. His current enlistment began on 21 Jan 99 for a term of 6 years. The respondent has received four EPRs with promotion recommendations of 2, 4, 5 and 3.

b. The service of an airman discharged for failure in alcohol and abuse treatment may be characterized as honorable or general.

c. A general characterization is warranted when an airman's service has been honest and faithful, but significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record.

d. In this case, the respondent has a disciplinary history consisting of one instance of nonjudicial punishment, a Letter or Reprimand and creation of an Unfavorable Information File. The nonjudicial punishment was a direct result of [redacted] misuse of alcohol. The commander does not feel [redacted] misconduct and failure in the ADAPT program constitute significant negative aspects that outweigh the otherwise positive aspects of his service. The respondent's commander recommends an honorable discharge. I disagree. In this case, the respondent's failure to meet and maintain Air Force standards of behavior, driving while drunk and failure in the ADAPT program during the current enlistment constitute significant negative aspects of [redacted] conduct that outweigh the positive aspects of his military record. Accordingly, I recommend the respondent receive a general discharge.

7. PROBATION AND REHABILITATION: Under AFI 36-3208, Chapter 7, the member is entitled to have probation and rehabilitation (P&R) considered by the discharge authority. Approval of P&R includes ordering a discharge and then suspending it until the member has successfully completed a period of P&R. In most cases, the failure in a rehabilitation program such as the Alcohol and Drug Abuse Prevention and Treatment Program makes P&R impractical. In this case, [redacted] ADAPT counselor states the member does not desire further treatment and requested to be separated from the military. The respondent's commander does not recommend P&R because previous rehabilitative efforts, to include one instance of nonjudicial punishment have failed to alter the respondent's behavior. I concur.

8. ACTIONS WHICH MAY BE TAKEN: As the Special Court-Martial Convening Authority, you have the following options:

a. Direct that the respondent be retained in the USAF;

b. Direct that the respondent be separated from the USAF with an honorable discharge with or without P&R; or

c. Direct that the respondent be separated from the USAF with a general discharge, with or without P&R;

9. RECOMMENDATION: Direct that the respondent be separated from the USAF with a general discharge without P&R by signing Attachment 1. However, if you concur with the respondent's commander, you may direct that the respondent be separated from the USAF with an honorable discharge without P&R by signing Attachment



Colonel, USAF

Staff Judge Advocate

Attachments:

- 1. Proposed Memo for 86 AW/CC
- 2. Proposed Memo for 86 AW/CC
- 3. Discharge Package
- 4. Respondent's Documentation:
 - a. [Redacted] Statement, 25 Aug 00
 - b. Receipt of Notification Memorandum, 23 Aug 00



DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAFE)

FD 2002-0146

23 Aug 00

MEMORANDUM FOR [REDACTED] AES

FROM: 86 AES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for *Failure in Alcohol Abuse Treatment*. The authority for this action is AFPD 36-32 and AFI 36-3208, 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 honorable.

2. My reason for this action is: on 14 Jul 00, you were determined as an Alcohol and Drug Abuse Prevention and Training (ADAPT) Program failure based on a demonstrated pattern of unacceptable behavior, inability to comply with treatment plan, and continued substance use after receiving initial treatment, as evidenced by the memorandum provided by [REDACTED] Clinical Psychologist, Chief, Substance Abuse Program, dated 14 Jul 00.

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 USAF and if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the USAF, and any special pay, bonus, or education assistance funds you have received 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 with Cap [REDACTED] Area Defense Counsel, Building 2111, DSN 480-2182/2492 on **25 Aug 00 at 0930**. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by **29 Aug 00 at 1000** 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 submit statements in your behalf, your failure will constitute a waiver of your right to do so.

7. You must report in uniform with your medical records and an escort to the Ramstein Air Base Clinic, Physical Exams, Building 2182 on **24 Aug 00 at 0700** for the evaluation. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

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 orderly room or via the internet.



Col; USAF, MC

Commander

Attachments:

1. Supporting Documents: Memorandum from 86 MDOS/SGOHA, dated 14 Jul 00
2. Other Documents:
 - a. Letter of Reprimand, undated
 - b. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 9 Aug 00, w/ UIF Action
 - c. Denial of AF Good Conduct Medal, dated 14 Aug 00
3. Airman's Receipt of Notification Memorandum