

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<input checked="" type="checkbox"/> <b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">COUNSEL</th> <th style="width: 10%;">YES</th> <th style="width: 10%;">NO</th> <th style="width: 80%;">NAME OF COUNSEL AND OR ORGANIZATION</th> </tr> <tr> <td></td> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td></td> </tr> </table>	COUNSEL	YES	NO	NAME OF COUNSEL AND OR ORGANIZATION			<input checked="" type="checkbox"/>		ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL	YES	NO	NAME OF COUNSEL AND OR ORGANIZATION							
		<input checked="" type="checkbox"/>								

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>					<input checked="" type="checkbox"/>
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<b>[REDACTED]</b>					<input checked="" type="checkbox"/>

ISSUES <b>A94.05, A93.01, A92.21</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<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>31OCT 02</b>	CASE NUMBER <b>FD2002-0180</b>			

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 Andrews AFB, MD**  
  
**Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.**

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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<b>INDORSEMENT</b>		<b>DATE: 31 OCT 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

FD2002-0180

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable.

The applicant appeared and testified before the Discharge Review Board (Board) with counsel at Andrews AFB, MD on October 31, 2002.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Letter of recommendation from Mr. John Yin dated 17 October, 2002.

**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 that would justify a change of discharge.

**ISSUES:** The applicant's issues are listed in the attached brief. The applicant contends his discharge was inequitable because it was too harsh and he was immature. He further contends that his post service conduct is reflective of his true character and ability to serve. The applicant was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions after 10 months of service. The member had four AETC Form 341's (records of counseling for minor infractions while in training), five letters of reprimand, and one article 15 for violating phase restrictions on three occasions (included breaking curfew, unauthorized travel off base, unauthorized consumption of alcohol), driving a vehicle under the influence of alcohol, making a false police report, late for details, late for physical conditioning training, failing room and locker inspections, use of profanity, and failure to perform CQ inventory. The majority (8 of 10) of the applicant's misconduct occurred over a period of one month (October 2001). During testimony, the applicant revealed that his abuse of alcohol contributed to his pattern of misconduct and accepted full responsibility for his actions. From the records and medical records, there was no evidence that referral for alcohol intervention would have been indicated. The applicant's blood alcohol limit for the DUI noted above was reportedly below the legal limit and the applicant was of legal drinking age. The applicant had ample opportunity to correct the recurring misconduct that was a significant departure from conduct expected of all military members. The DRB was impressed with the applicant's honesty, remorse, and acceptance of responsibility for his behavior. His recognition that alcohol abuse contributed to his difficulties and his reported abstinence since discharge were also noted and reflect a significantly positive change in his character. The applicant requested a second chance to serve based on the change in his character since discharge; however, the DRB found no evidence of impropriety or inequity that would warrant an upgrade.

**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

[REDACTED]  
[REDACTED]

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 02/01/09 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/03/28. Enlmt Age: 20 9/12. Disch Age: 21 9/12. Educ:HS DIPL. AFQT: N/A. A-76, E-86, G-82, M-76. PAFSC: 2E134 - Visual Imagery/Intrusion Detection Apprentice. DAS: 01/08/31.

b. Prior Sv: (1) AFRes 01/01/04 - 01/03/05 (2 months 2 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AMN 01/03/06 for 4 yrs. Svd: 00 Yrs 10 Mo 04 Das, all AMS.

b. Grade Status: AB - 01/11/26 (Article 15, 01/11/26)

c. Time Lost: none.

d. Art 15's: (1) 01/11/26, Ft Meade, MD - Article 92. You, who knew of your duties, on or about 27 Oct 01, were derelict in the performance of those duties in that you willfully failed to abide by Second AF Phase Program restrictions, by failing to refrain from wearing civilian clothes, as it was your duty to do. You, who knew of your duties, on or about 27 Oct 01, were derelict in the performance of those duties in that you willfully failed to refrain from departing the boundaries of Fort Meade, Maryland, as it was your duty to do. You, who knew of your duties, on or about 27 Oct 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while in Phase 1, as it was your duty to do. Article 107. You, did, with intent to deceive, sign an official document, to wit: DA Form 2823, Sworn Statement, which document was totally false, and was then known by you to be so false. Reduction to AB, 14 days restriction, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 20 NOV 01 - Late to two mandatory formations.

LOC, 22 OCT 01 - Failure to do CQ inventory.

AETC 341, 21 OCT 01 - Failed to open wall locker during RMT.

AETC 341, 18 OCT 01 - Late for PC and using profanity  
toward CQ.  
AETC 341, 04 OCT 01 - Failing room inspection.  
AETC 341, 04 OCT 01 - Late for details.  
LOR, 01 OCT 01 - DUI, and breaking curfew.  
LOR, 01 OCT 01 - Failed to have to mandatory items at PC.  
LOR, 04 JUN 01 - Violated Second AF Phase program and  
accompanied Airman who drank while under  
age.

f. CM: none.

g. Record of SV: none.

(Discharged from Ft Meade)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (00) Mos (06) Das  
TAMS: (00) Yrs (10) Mos (04) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/23.  
(Change Discharge to Honorable)

Issue 1: My discharge from the United States Air Force was granted without fairness on my behalf or the level of professionalism I would have expected from the USAF. I was forced to remain in Detachment 2, 336<sup>th</sup> TRS custody over the Christmas holidays while two future military prison inmates were allowed leave. The real and factual happenings and progress in my discharge case were either kept from me or were misrepresented. Two airmen from the same detachment were allowed to continue their careers after two underage drinking charges each. Upon receiving and completing my punishment under Article 15 guidelines, I was then further informed of the discharge case that was being brought against me. This incident was my only major infraction while in service.

**ATCH**

1. DD Form 214.
2. Three Character References.
3. Police Record.
4. Two Letters of Appreciation.

02/05/29/ia

FD 2002-0480



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

JAN 03 2002

MEMORANDUM FOR 81 TRG/CC

FROM: 81 TRW/JAJ  
500 Fisher Street Rm 227  
Keesler AFB, MS 39534-2553

SUBJECT: Legal Review, Administrative Discharge - [REDACTED]  
[REDACTED]

1. **ACTION:** On 17 Dec 01, Det 2, 336 TRS/TRM recommended that [REDACTED] (hereafter referred to as "Respondent") be administratively separated for minor disciplinary infractions with a general discharge characterization. The authority for this recommendation is AFI 36-3208, Section H, paragraph 5.49 (minor disciplinary infractions). Under paragraph 6.2.2, the respondent is not entitled to a board hearing.

2. **PERSONAL DATA:**

- a. Date and Term of Enlistment: 6 mar 01; 4 Years;
- b. Total Active Federal Military Service Date: 6 Mar 01;
- c. Performance Reports: N/A.

3. **EVIDENCE FOR THE GOVERNMENT:**

a. On 26 Nov 01, Det 2, 336 TRS/TRM imposed nonjudicial punishment action upon the Respondent for the following infractions:

i. On 27 Oct 01, the Respondent was derelict in his duties by failing to refrain from drinking alcoholic beverages while in Phase I of the Second Air Force Phase Program.

ii. On 27 Oct 01, the Respondent was derelict in his duties by failing to refrain from wearing civilian clothing in violation of the Second Air Force Phase Program.

iii. On 27 Oct 01, the Respondent was derelict in his duties by failing to refrain from departing the boundaries of Fort Meade, Maryland, in violation of the Second Air Force Phase Program.

iv. On 27 Oct 01, the Respondent did with intent to deceive, sign an official document, DA Form 2823, Sworn Statement, which was totally false, and was then known by him to be false.

ATTORNEY WORK PRODUCT

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b. On 14 Nov 01, and 13 Nov 01, the Respondent was late to two mandatory formations, for which he was placed back into Phase I of the Second Air Force Phase program, as noted on Letter of Reprimand, dated 20 Nov 01.

c. On 18 Oct 01, the Respondent had an AETC Form 341 pulled for failing to do CQ inventory, for which he received RMT on 5 Nov 01, a non-credit, 6-hour CQ shift, and was placed in phase I until he completed RMT, as noted on Letter of Counseling, dated 22 Oct 01.

d. On 21 Oct 01, the Respondent failed the open wall locker inspection, during RMT, for which he was scheduled to redo RMT on 5 Nov 01, as noted on AETC Form 341, dated 21 Oct 01.

e. On 18 Oct 01, the Respondent was late for PC, and was using profanity toward CQ, as noted on AETC Form 341, dated 18 Oct 01.

f. On 4 Oct 01, the Respondent violated Second Air Force Phase program by failing his room inspection as noted on AETC Form 341, dated 4 Oct 01.

g. On 4 Oct 01, the Respondent was repeatedly late for details in the morning, as noted on AETC Form 341, dated 4 Oct 01.

h. On 1 Oct 01, the Respondent received a Letter of Reprimand for the following infractions:

i. On 30 Sep 01, the Respondent and several other Airman were stopped at the Reece Road gate and the MP smelled a strong odor of alcohol, and investigation revealed that his alcohol level was .084. Furthermore, the Respondent was the driver of the vehicle and he was over the legal alcohol limit for operating a motor vehicle.

ii. On 30 Sep 01, the Respondent violated the Second Air Force Phase program curfew restrictions by violating the 2400 hour building curfew, even though it was previously briefed.

For the following Letter of Reprimand, the Respondent was placed back in Phase I, Day I, scheduled for RMT, CQ, and other duties as deemed appropriate, and he had an Unfavorable Information File established on him.

i. On 13 Sep 01, the Respondent failed to have the mandatory items at PC as noted on AETC Form 341, dated 13 Sep 01.

j. On 26 May 01, the Respondent violated Second Air Force Phase program restrictions without an approved itinerary, and accompanied airmen who drank alcohol while under the legal age to do so. For those actions, he received a Letter of Reprimand, dated 4 Jun 01.

**4. EVIDENCE FOR THE RESPONDENT:** This 21-year old airman is in his first enlistment and has AQE scores as follows: A - 76, E - 86, G - 82, M - 76. The Respondent consulted counsel, and elected to submit a written response for the commander's consideration. In Response, he wrote a statement to the 336 TRS/CC and the 81 TRG/CC. In which he talks about how alcohol has influenced his actions.

**ATTORNEY WORK PRODUCT**

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5. **DISCUSSION:** This file is legally sufficient. The Respondent has various disciplinary infractions throughout his time on station. We concur with the Det 2, 336 TRS/TRM's recommendation of a general discharge. If a member's service has been honest and faithful, a general discharge is warranted when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military record. Respondent's behavior warrants such a characterization. We also concur with Det 2, 336 TRS/TRM's recommendation against offering Respondent probation and rehabilitation. The Respondent has been given opportunities to improve, and to this date fails to show any improvement. Further attempts at probation and rehabilitation would likely prove unsuccessful.

6. **OPTIONS:** As the Separation Authority your options are:

a. If you determine this separation action is not supported by the evidence, direct that it be discontinued, and direct the Respondent be retained in the Air Force.

b. If you determine this separation action has been brought under an inappropriate section of AFI 36-3208, direct reinitiation under a more appropriate section.

c. If you determine this separation action is supported by the evidence, approve the separation action and direct the Respondent be given a general discharge, with or without probation and rehabilitation, for minor disciplinary infractions under the provisions of AFI 36-3208, paragraph 5.49.

d. If you determine this separation action is supported by the evidence, but believe an honorable discharge is appropriate, make that recommendation and forward the file to 2 AF/CC for further disposition.

e. If you determine that an under other than honorable conditions discharge is appropriate under paragraph 5.49, direct a discharge board be convened, and forward the file to Det 2, 336 TRS/TRM for processing.

7. **RECOMMENDATION:** Approve respondent's separation with a general service characterization, without probation and rehabilitation, for minor disciplinary infractions under the provisions of AFI 36-3208, Chapter 5, Section H, paragraph 5.49.

  
 USAF  
NCOIC, Airman Discharge Facility

I concur.

  
 USAF  
Chief, Adverse Action Branch

Attachment  
Case File

FD2002-0180



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

(2 Dec 01)

MEMORANDUM FOR [REDACTED]

FROM: DET 2, 336 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be described as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 26 Nov 01, I imposed nonjudicial punishment action upon you for the following infractions:

i. On 27 Oct 01, you were derelict in your duties by failing to refrain from drinking alcoholic beverages while in Phase I of the Second Air Force Phase Program (Atch 1, Appendix A w/atc)

ii. On 27 Oct 01, you were derelict in your duties by failing to refrain from wearing civilian clothing in violation of the Second Air Force Phase Program. (Atch 1, Appendix A w/atc)

iii. On 27 Oct 01, you were derelict in your duties by failing to refrain from departing the boundaries of Fort Meade, Maryland, in violation of the Second Air Force Phase Program. (Atch 1, Appendix A w/atc)

iv. On 27 Oct 01, you did with intent to deceive, sign an official document, DA Form 2823, Sworn Statement, which was totally false, and was then known by you to be false. (Atch 1, Appendix A w/atc)

b. On 14 Nov 01, and 13 Nov 01, you were late to two mandatory formations, for which you were placed back into Phase I of the Second Air Force Phase program, as noted on Letter of Reprimand, dated 20 Nov 01. (Atch 1, Appendix B w/atc)

c. On 18 Oct 01, you had an AETC Form 341 pulled for failing to do CQ inventory, for which you received RMT on 5 Nov 01, a non-credit, 6-hour CQ shift, and were placed in phase I until you completed RMT, as noted on Letter of Counseling, dated 22 Oct 01. (Atch 1, Appendix C w/atc)



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d. On 21 Oct 01, you failed the open wall locker inspection, during RMT, for which you were scheduled to redo RMT on 5 Nov 01, as noted on AETC Form 341, dated 21 Oct 01. (Atch 1, Appendix D)

e. On 18 Oct 01, you were late for PC, and were using profanity toward CQ, as noted on AETC Form 341, dated 18 Oct 01. (Atch 1, Appendix E)

f. On 4 Oct 01, you violated Second Air Force Phase program by failing your room inspection as noted on AETC Form 341, dated 4 Oct 01. (Atch 1, Appendix F)

g. On 4 Oct 01, you were repeatedly late for details in the morning, as noted on AETC Form 341, dated 4 Oct 01. (Atch 1, Appendix G)

h. On 1 Oct 01, you received a Letter of Reprimand for the following infractions:

i. On 30 Sep 01, you and several other Airman were stopped at the Reece Road gate and the MP smelled a strong odor of alcohol, and investigation revealed that your alcohol level was .084. Furthermore, you were the driver of the vehicle and were over the legal alcohol limit for operating a motor vehicle. (Atch 1, Appendix H w/atchs)

ii. On 30 Sep 01, you violated the Second Air Force Phase program curfew restrictions by violating the 2400 hour building curfew, even though it was previously briefed. (Atch 1 Appendix H w/atchs)

For the following Letter of Reprimand, you were placed back in Phase I, Day I, scheduled for RMT, CQ, and other duties as deemed appropriate, and you had an Unfavorable Information File established on you.

i. On 13 Sep 01, you failed to have the mandatory items at PC as noted on AETC Form 341, dated 13 Sep 01. (Atch 1, Appendix I)

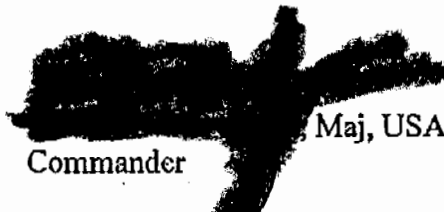
j. On 26 May 01, you violated Second Air Force Phase program restrictions without an approved itinerary, and accompanied airmen who drank alcohol while under the legal age to do so. For these actions, you received a Letter of Reprimand, dated 4 Jun 01.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached: The Commander exercising SPCM jurisdiction or higher 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. Any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Andrews AFB, ADC on 17 Dec 01 at 0930 hours. You may consult civilian counsel at your own expense.

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5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 17 Dec 01 by 1630 hours 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 Bolling AFB, Physical Exams on 2 Dec 01 at 1300 hours 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 CSS.
9. Execute the attached acknowledgment and return it to me immediately.

  
Commander

Maj, USAF

## Attachments:

1. Supporting Documents
  - a. AF Form 3070, dated 26 Nov 01 w/atchs
  - b. Letter of Reprimand, dated 20 Nov 01 w/atchs
  - c. Letter of Counseling, dated 22 Oct 01, w/atchs
  - d. AETC Form 341, dated 21 Oct 01
  - e. AETC Form 341, dated 18 Oct 01
  - f. AETC Form 341, dated 4 Oct 01
  - g. AETC Form 341, dated 4 Oct 01
  - h. Letter or Reprimand, dated 4 Oct 01 w/atch
  - i. AETC Form 341, dated 13 Sep 01
  - j. Letter of Reprimand, dated 4 Jun 01
2. Airman's Receipt of Notification Memorandum
3. Airman's Statement
4. Medical Examination

ATCH 1