

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]			
TYPE PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
ISSUES A93.01		INDEX NUMBER A67.10, A69.00		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 18 DEC 02		CASE NUMBER FD2002-0242				
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 with/without counsel, and the right to submit an application to the AFBCMR.						
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]			
INDORSEMENT				DATE: 18 DEC02		
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

FD02-0242

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 does not contest his discharge; he merely states that he was young and immature and took for granted the Air Force's seriousness on underage drinking. The records indicated the applicant received three Letters' of Reprimand for failure to go on two occasions and failure to successfully complete the Alcohol Abuse Rehabilitation Program due to unwillingness to cooperate and participate in program requirements, possessing or consuming alcoholic beverages under the age of 21 and failure to remain on Sheppard AFB. The Board reviewed the record and concluded the conduct for which the applicant was discharged 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. 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

[REDACTED]
(Former AB) (HGH AB)

(NO MEDICAL RECORDS)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 99/09/30 UP AFI 36-3208, para 5.32 & 5.49 (Failure in Alcohol Rehabilitation Program and Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/01/03. Enlmt Age: 18 10/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-61, E-50, G-50, M-50. PAFSC: 2A611D - Aerospace Propulsion Helper. DAS: 99/05/10.

b. Prior Sv: (1) AFRes 98/11/19 - 99/03/09 (3 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 99/03/10 for 6 yrs. Svd: 00 Yrs 06 Mo 21 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 14 JUL 99 - Failure to remain on Sheppard AFB.
LOR, 10 JUN 99 - Possessing or consuming alcoholic beverages under the age of 21. Act of public display of affection.
LOR, 02 JUL 99 - Failure to go on two occasions.
Medical Report, 09 SEP 99 - Failure to successfully complete the Alcohol Abuse Rehabilitation Program due to unwillingness to cooperate and participate in program requirements. Specifically, failed to turn in homework assignments, slept in class, and played video games in class, and not shaving.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (00) Yrs (10) Mos (12) Das

TAMS: (00) Yrs (06) Mos (21) Das

FD2002-0242

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/17.
(Change Discharge to Honorable)

Issue 1: At the time of my service in the Air Force I was only 19 years old, and took for granted the Air Force's seriousness on underage drinking. Now at the age I am at, I realize the opportunities and benefits I lost getting discharged other than honorably from the Air Force. I only pray by God's grace that this application gets considered for an upgrade to under honorable conditions. I would do anything to have the chance to rejoin the military. To whom this may concern, thank you.

ATCH
None.

02/09/12/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0242

27 Sep 99

MEMORANDUM FOR 82 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge - [REDACTED]
361 TRS

1. We have reviewed this discharge case file and find it to be legally sufficient to support discharge in accordance with the provisions of AFI 36-3208, paragraphs 5.32 (failure in alcohol abuse treatment) and 5.49 (minor disciplinary infractions). Based upon our review, we conclude that the incidents documented within this file sufficiently support [REDACTED] discharge from the Air Force. We concur with the 361 TRS/CC that [REDACTED] should be discharged without further opportunities for probation and rehabilitation. We further recommend that paragraph 5.49 be cited as the primary basis for discharge and that the respondent's service be characterized with an under honorable conditions (general) discharge.

2. On 22 Sep 99, the 361 TRS/CC notified [REDACTED] that he was recommending that [REDACTED] be discharged from the service due to his failure in alcohol abuse treatment and his misconduct. The basis for this action is the squadron commander's administrative determination that the respondent failed to successfully complete an Alcohol Abuse Rehabilitation Program, and has committed a series of disciplinary infractions. Specifically, the respondent was unwilling to cooperate and participate in the program requirements for alcohol rehabilitation when he failed to turn in homework assignments, slept in class, and played video games in class. In addition, he twice violated a lawful general instruction when he failed to remain on Sheppard Air Force Base and when he possessed or consumed alcoholic beverages while under the legal drinking age of 21. Further, he was twice derelict in the performance of his assigned duties when he failed to go to physical conditioning and to a GI Party. Finally, he was noted engaging in an act of public display of affection. The respondent received three Letters of Reprimand as a result of his misconduct. The basis for discharge is supported by a preponderance of the evidence in the case file.

3. The respondent is 19 years old. He began his present enlistment on 10 Mar 99, and was assigned to his unit on 10 May 99. His ASVAB scores are average. The respondent is entitled to wear the Air Force Training Ribbon. He has waived his right to consult counsel and has waived his right to submit statements for your consideration.

4. In accordance with AFI 36-3208, your options are to direct [REDACTED] retention or to direct his discharge with either an honorable or under honorable conditions (general) discharge. We recommend that you direct his discharge with an under honorable conditions (general) discharge, without further opportunities for probation or rehabilitation. If you determine an

honorable discharge is appropriate, you will need to recommend that to 2 AF/CC because only the General Court-Martial Convening Authority may approve an honorable discharge characterization when the basis for discharge is misconduct (AFI 36-3208, paragraph 5.48.4). The basis for this action should be AFI 36-3208, paragraph 5.49 (minor disciplinary infractions).

5. If you have any questions, please contact [REDACTED] at ext 6-7183.

[REDACTED]

[REDACTED], USAF
Deputy Staff Judge Advocate

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

SEP 22 1999


MEMORANDUM FOR [REDACTED] 361 TRS

FROM: 361 TRS/CCQ
528 E Avenue
Sheppard AFB TX 76311-3469

SUBJECT: Notification Memorandum



1. I am recommending your discharge from the United States Air Force for failure in the alcohol abuse treatment program and minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.32 and 5.49. If my recommendation is approved, your service will 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. You did, at or near Sheppard AFB TX, on or about 9 Sep 99, fail to successfully complete the Alcohol Abuse Rehabilitation Program due to your unwillingness to cooperate and participate in program requirements. Specifically, you failed to turn in homework assignments, slept in class, and played video games in class.
 - b. You did, at or near Sheppard AFB TX, on or about 3 Jul 99, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 5.2.1, by failing to remain on Sheppard AFB. For this misconduct you received a Letter of Reprimand (LOR) on 14 Jul 99.
 - c. You, who knew or should have known of your duties at or near Sheppard AFB TX, between on or about 28 Jun 99 and on or about 1 Jul 99, were derelict in the performance of those duties in that you failed to go to your appointed place of duty at the appointed time, to wit: Physical Conditioning. For this misconduct and subparagraph "d" below, you received an LOR on 2 Jul 99.
 - d. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 1 Jul 99, were derelict in the performance of those duties by failing to go to your appointed place of duty at the appointed time, to wit: GI party.
 - e. You did, at or near Sheppard AFB TX, on or about 5 Jun 99, violate a lawful general instruction, to wit: SAFBI 36-2902, paragraph 2.1.11, by possessing or consuming alcoholic beverages under the legal age of 21. For this misconduct and subparagraph "f" below, you received an LOR on 10 Jun 99.
 - f. You did, at or near Sheppard AFB TX, on or about 5 Jun 99, were noted in an act of public display of affection (PDA).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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 and probably be denied enlistment in any component of the Armed Forces.

3. 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 , Area Defense Counsel, at Bldg 1638, on 22 Sep 99 at 1600 hours. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 27 Sep 99, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. If you fail to consult counsel or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
6. You are scheduled for a separation physical on 23 Sep 99 at 1300.
7. 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 361 TRS student administration office.
8. Execute the attached acknowledgment and return it to me immediately.

, USAF
Commander, 361st Training Squadron

Attachments:

1. 82 MDOS/SGOHA, Treatment Team Meeting, 9 Sep 99
2. LOR, 14 Jul 99
3. LOR, 2 Jul 99
4. LOR, 10 Jun 99
5. AETC Form 341, 4 Jun 99
6. AF Form 1168, , 23 Jun 99
7. AF Form 1168, , 12 Jun 99
8. AETC Form 125A,
9. Student Training Report,
10. LAFB Form 205, 9 May 99
11. Airman's Receipt to Notification Memorandum 