

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
--	--------------------	--------------------------------

TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
NAME OF COUNSEL AND OR ORGANIZATION		
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTIC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.05, A93.09, A93.19	INDEX NUMBER A67.50	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 03-01-08	CASE NUMBER FD2002-0310	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	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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 and 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 03-01-08
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

FD2002-0310

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 that neither the evidence of record or that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for a pattern of misconduct. He had three Articles 15, all due to alcohol-related-misconduct. In each instance, he was under legal age to drink, and he became either disorderly or operated a vehicle drunk. In reply to two of the Articles 15, member admits his mistakes. For the first one, he said it was an isolated incident and wouldn't happen again. For the last one, he begs for another chance. Member was twice referred to the Alcohol and Drug Abuse Rehabilitation and Treatment Program, successfully completing it the first time on June 21, 2000, just 3 months before his first Article 15. Member had an extensive history of participation in alcohol rehabilitation programs, yet he continued to commit the same type alcohol-related incidents over a 4-or-more-month period. Although member was counseled extensively and given numerous opportunities to improve and change his negative behavior, he was unable or unwilling to do so; it is Air Force policy that personnel who do not respond favorably to rehabilitation be considered for separation. At the time of the discharge, applicant submitted a statement in his own behalf requesting retention. Applicant now asserts he was having personal problems and depression, and was afraid to talk to a counselor for fear of losing his Personnel Reliability Program certification, so he turned to alcohol, which he was too young and immature to handle. He further contends he wasn't given adequate support to quit drinking and the severity of his problem wasn't properly recognized. The Board found nothing in the records to substantiate these issues and finds them without merit. The Board found the records indicate member was given adequate opportunity to improve and conform his behavior to Air Force standards and was of the same age as other airmen who do not violate standards. The applicant's repeated misconduct was of a very serious nature and members who commit such acts of misconduct, even if alcohol related, are held accountable for their actions. 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/12/19 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 81/05/24. Enlmt Age: 17 11/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-85, E-97, G-94, M-81. PAFSC: 2W251 - Nuclear Waapons. DAS: 99/11/21.

b. Prior Sv: (1) AFRes 99/04/29 - 99/06/15 (1 month 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 99/06/16 for 6 yrs. Svd: 02 Yrs 06 Mos 04 Das, all AMS.

b. Grade Status: AB - 01/11/05 (Article 15, 01/11/05)
AMN - 01/02/15 (Article 15, 01/02/15)
A1C - Unknown.

c. Time Lost: none.

d. Art 15's: (1) 01/02/15, Kirtland AFB, NM - Article 92. You, who knew of your duties, on or about 27 Jan 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21, as it was your duty to do. Article 111. You did, on or about 27 Jan 01, in the ----- parking lot operate a vehicle, to wit: a passenger car, while drunk. You did, on or about 27 Jan 01, in the ----- parking lot, operate a vehicle, to wit: a passenger car in a reckless manner by pulling two personnel on snowboards behind the vehicle. Thirty days correctional custody, reduction to Amn (E-2), and a suspended forfeiture of \$584.00 pay per month for 2 months (No appeal) (No mitigation)

(2) 01/11/05, Kirtland AFB, NM - Article 134. You did, as a person under the age of 21 years of age, on or about 19 Oct 01, wrongfully and knowingly consume alcoholic beverages, in violation of the New Mexico Statutes Annotated, Section 60-7B-1, as assimilated into Federal Law by 18 U.S.C. Section 13, also in violation of Article 134, UCMJ. You were, on or about 19 Oct 01, drunk and disorderly. You did, on or about 19 Oct 01, orally communicate to SSgt -----, certain indecent

language, to wit: "good fucking for you" or words to that effect. Reduction to AB, 30 days restriction, and 30 days extra duty. (No appeal) (No mitigation)

- (3) 00/10/30, Kirtland AFB, NM - Article 92. You, who knew of your duties, on or about 6 Oct 00, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21, as it was your duty to do. Article 134. You, were, on or about 7 Oct 00, disorderly. Suspended reduction to Amn (E-2), and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 99/06/16 - 01/02/15 Kirtland AFB 2 (Initial)REF
01/02/16 - 01/10/05 Kirtland AFB 5 (CRO)

(Discharged from Kirtland AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (21) Das
TAMS: (02) Yrs (06) Mos (03) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/07/22.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

02/11/04/ia

First, I would like to thank the board for considering my request to upgrade my discharge. The conditions under which I left the United States Air Force have left me ashamed, and my shoulders heavy with guilt. My only reason for requesting this upgrade is to have peace of mind about that time in my life.

I'm sure you have all of the paperwork associated with my two and a half years served in the military, but I would like to tell the story from my point of view. When I joined the military in June of 1999, I was a straight A student who wanted to travel and pay my own way through college. My ASVAB scores were high, so I got the job of my choice. Everything seemed perfect, and not fulfilling my six-year obligation was the last thing on my mind.

I admit, though, that I wasn't perfect. I would occasionally drink socially with my friends from school and I even experimented with marijuana a few times. These were all things that I told the recruiters in Des Moines. I have always had good candor and integrity because I know that is the only way to gain trust.

The truth is, my life and all of my skills and intelligence were headed nowhere after I graduated high school. I knew that my old friends would only guide me in the wrong direction if I stayed in Iowa, and I truly wanted to break away from that. Joining the Air Force and moving away from home seemed the only way to find a good direction in life.

My life did change for the better after I joined. I was able to pick my friends all over again and be whatever type of person I wanted to be. For well over a year I was a perfect airman. I finished my CDC's more than a year earlier than most of my peers. Moreover, I never complained about my job, the treatment of new airmen, or the military at all for that matter. I volunteered for everything that I could and always worked my hardest. Diligence, honesty, and respect are very important to me, and it showed more than ever during that time period.

Unfortunately, things didn't stay perfect. In July of 2000, my best friend left, and I found myself lonely and depressed all of the time. I felt like I had nobody in my life. My parents were too far away to make a difference, and I felt like I was on the verge of suicide. The pain was so intense that I can still feel it today when I think about it. I was afraid to talk to a counselor because it would mean losing my PRP (Personnel Reliability Program), which I felt would tarnish my career. I knew I had to make new friends quickly, so I turned back to my old ways. I started drinking a lot.

When I was drunk, I wasn't myself. I would do anything to make people laugh and accept me. As a result, I made a lot of friends quickly, but they were the worst kind. They were the bad influence in my life that would convince me that it was all right to drink underage and act crazy. As soon as things got bad, though, they were nowhere to be found.

Don't get me wrong. I accept full responsibility for my actions. I know that I was young and ignorant to the path I was taking. I thought that I was accepted and I would have done just about anything to keep that feeling.

Every single incident that resulted in my discharge from the military was alcohol related. I was too young and immature to handle the responsibility of drinking. In fact, I firmly believe today that I am an alcoholic. It wasn't until the second incident that I finally came to grips with that fact. I tried my hardest to kick the habit, and I was

successful for a while. However, just like quitting smoking or kicking a drug addiction, quitting comes with a period of failure.

My period of failure was largely as a result of living in a dormitory where beer and liquor are more common than water. I tried to explain to my ADAPT counselor that I was having a hard time quitting with that much temptation and with no way of leaving, for my driving privileges had been taken from me after the second incident. He told me that if I really wanted to quit, I would find a way. I assure you though, that I really wanted to quit but was still unable to find a way.

Again, I accept full responsibility for my actions leading to my discharge, but I also put some of the weight of my discharge on my ADAPT counselor and key personnel in my squadron for not providing me with the support I needed to quit drinking. It is common knowledge that the enlisted forces of all branches of the service embrace drinking alcohol as it's most important social pastime. It was at all of our squadron functions, all wing dining in or out functions, and of course, it was impossible to escape at the enlisted club, where I was caught underage drinking for the third time.

I ask that my discharge be upgraded for two main reasons. I believe that my alcoholism was, and still is, a sickness and that I was never properly treated for the severity of my dependence. It wasn't until my life was shocked with the sudden discharge that I finally took it upon myself to quit drinking and turn things around. I've failed like most alcoholics do, but I do believe that I now have a grasp on my addiction.

Finally, I believe that the punishment I've already suffered for my actions is more than sufficient. By no means do I want to imply that my crimes were minor, but my punishment has been severe. Between the three alcohol related incidences, I have served 45 days of extra duty, 30 days of correctional custody, and two stripes lost. I'm paying back over half of the bonus I received for only serving two and a half years of my six year enlistment. Furthermore, every day I live with the dishonor of not being able to serve my full enlistment like I had set out to do three years ago.

Again, I thank you for considering my plea. It is very important to me to have an honorable discharge on my record. I only ask that you make this possible so that I may have closure on a very dark period of my life.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 377TH AIR BASE WING (AFMC)

FD 2002-0310

14 December 2001

MEMORANDUM FOR 377 ABW/CC

FROM: 377 ABW/JA

SUBJECT: Administrative Discharge Action - [REDACTED] (898th MUNS)

1. **INITIATION OF ACTION:** On 4 Dec 01, [REDACTED] 898 MUNS/CC, recommended that [REDACTED] ("Respondent") be administratively discharged for misconduct, specifically a pattern of misconduct, pursuant to AFD 36-32 and AFI 36-3208, paragraph 5.50. He further recommended that Respondent receive a general (under honorable conditions) discharge without an opportunity for probation and rehabilitation (P&R).
2. **RESPONDENT:** Respondent, 20, has been in the Air Force for approximately two years and six months. He was assigned to his current unit on 21 Nov 99.
3. **RESPONDENT'S SUBMISSION:** Respondent has met with and been counseled by an appointed military defense counsel. He submitted written matters for your consideration (see Member's Response to Administrative Discharge Action). He admits his wrongdoing, states that he is enrolled in substance abuse counseling, and asks to remain in the Air Force.
4. **DISCUSSION:**
 - a. **Basis for Discharge:** Respondent has received three Article 15s, all of them alcohol-related. In October 2000, Respondent received an Article 15 for underage drinking and for disorderly conduct (he urinated on a dormitory door just as the resident opened his door). He received another Article 15 in February 2001 for underage drinking, driving while intoxicated, and reckless driving. In that incident, Respondent, drunk, pulled two other military members on snowboards in the Sandia Crest Club parking lot. Finally, in November 2001, he received his third Article 15 for underage drinking, disorderly conduct, and for cussing to a NCO. Respondent and a friend had been turned away from entering the Sandia Crest Club because they were highly intoxicated. They were subsequently stopped by Security Forces personnel, and Respondent became belligerent as Security Forces personnel attempted to escort him out of the club. His repeated misconduct provides a sufficient basis for his discharge in accordance with AFI 36-3208, paragraph 5.50.
 - b. **Appropriateness of Discharge:** Respondent's misconduct does not support continued military service. Respondent has shown that he cannot refrain from drinking, resulting in misconduct that is prejudicial to good order and discipline. [REDACTED] stated in a conversation with the legal office that Respondent has successfully completed the ADAPT program. Despite numerous chances and the education and training of the ADAPT program, Respondent continues to drink alcohol and engage in behavior that does not conform to Air Force standards. Discharge is appropriate.
 - c. **Characterization of Service:** Table 1.3 of AFI 36-3208 provides that a discharge for a pattern of misconduct may be characterized as either honorable, general (under honorable conditions), or under

other than honorable conditions (UOTHC). Only the General Court-martial Convening Authority can approve an honorable or UOTHC discharge. A general discharge is appropriate when significant negative aspects of an airman's conduct outweigh the positive aspects of his military record. In this case, Respondent has three Article 15s that negatively reflect on his Air Force career of two years and six months. A general discharge is the appropriate characterization of service.

d. **Probation and Rehabilitation:** Respondent is eligible for P&R under AFI 36-3208, Chapter 7. The commander does not recommend P&R, which is generally reserved for members who have demonstrated a potential to serve satisfactorily, have the capacity to be rehabilitated, and whose probationary retention on active duty is consistent with the maintenance of good order and discipline in the Air Force. Respondent has not shown the capacity that he can be rehabilitated, nor has he shown the desire to conform to standards. P & R is not appropriate.


e. **Legal Sufficiency:** This action is legally sufficient.

5. **ERRORS OR IRREGULARITIES:** There are no errors or irregularities to the prejudice of Respondent's substantive rights.


6. **OPTIONS:** As the Separation Authority, you may:

- a. Retain Respondent;
- b. Approve the separation with an honorable discharge, with or without P&R;
- c. Approve the separation with a general discharge, with or without P&R; or
- d. Return the file to the unit to be processed for separation with a UOTHC discharge.

7. **RECOMMENDATION:** That you approve Respondent's separation with a general discharge without P&R.


USAF
Assistant Staff Judge Advocate

I concur.


USAF
Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
898TH MUNITIONS SQUADRON (AFMC)
KIRTLAND AIR FORCE BASE NEW MEXICO

FD 2002-0310

MEMORANDUM FOR [REDACTED]

4 Dec 01

FROM: 898 MUNS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.
2. My reasons for this action are:
 - a. On 8 Nov 01, you received an Article 15. See Attached Article 15 for complete details. (Atch 1)
 - b. On 16 Feb 01, you received an Article 15. See Attached Article 15 for complete details. (Atch 1)
 - c. On 2 Nov 00, you received an Article 15. See Attached Article 15 for complete details. (Atch 1)
3. 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. Special pay, bonuses, 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 [REDACTED], at building 20200, ext. 6-5554, on _____ at _____ hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 377th Medical Group on _____ at _____.

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 unit orderly room.

[REDACTED]
[REDACTED] USAF
Commander

- Attachments:
- 1. Supporting Documentation
 - 2. Other Derogatory Data