

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AIC	AFSN/SSAN [REDACTED]				
TYPE	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	UOTHC	OTHER	DENY
[REDACTED]							X
							X
							X
							X
							X
ISSUES A93.01, A93.19		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD			
HEARING DATE 9 Jan 03		CASE NUMBER FD2002-0331		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		
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: 9 Jan 03			
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

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: Applicant contends that his discharge was inequitable since it was based upon his alcoholism compounded by a general lack of maturity. The record indicates the applicant received an Article 15 for wrongfully consuming alcoholic beverages while under the age of 21 and being drunk and disorderly. He also received two Letters of Reprimand for consuming alcoholic beverages under the age of 21, a Letter of Counseling for failure to maintain his dorm room in compliance with set cleanliness standards, a Record of individual Counseling for missing a dental appointment, and a Armed Forces Traffic Ticket for operating a vehicle with an expired license plate. The applicant had received numerous opportunities to conform, however, his misconduct continued. He was placed into the alcohol rehabilitation program and continued to drink under age. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. However, if the applicant can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge. The characterization of the applicant's discharge was appropriate due to the misconduct.

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 90/09/17 UP AFR 39-10, para 5-46 (Misconduct - Pattern of Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 69/10/22. Enlmt Age: 17 1/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-86, E-95, G-90, M-74. PAFSC: 49151 - Communications - Computer Systems Operator. DAS: 87/11/12.

b. Prior Sv: (1) AFRes 86/12/10 - 87/06/16 (6 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 87/06/17 for 4 yrs. Svd: 03 Yrs 03 Mo 01 Das, all AMS.

b. Grade Status: A1C - 90/09/06 (Article 15, 90/09/06)
SRA - 90/06/17
A1C - 88/10/17
AMN - 87/12/17

c. Time Lost: None.

d. Art 15's: (1) 90/09/06, Tyndall AFB, FL - Article 92. You did, on or about 24 Aug 90, violate a lawful general regulation, to wit: Paragraph 1-3a, Air Force Regulation 215-7, dated 1 Jan 87, by wrongfully consuming alcoholic beverages while under the age of 21 years. Article 134. You were, on or about 24 Aug 90, drunk and disorderly. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: DD 1408, 18 NOV 89 - Operate a vehicle with an expired license plate.
LOR, UNDATED - Consuming alcoholic beverages under the legal age of 21 yrs of age.
LOR, 27 DEC 88 - Consuming alcoholic beverages under the legal age of 21 yrs.
LOC, 12 JUL 88 - Failure to maintain dorm room in compliance with set cleanliness standards.
RIC, 8 FEB 88 - Missed dental appointment.

f. CM: None.

g. Record of SV: 87/06/17 - 88/08/09 Tyndall AFB 9 (Annual)

88/08/10 - 89/08/09 Tyndall AFB 4 (Annual)
89/08/10 - 90/08/09 Tyndall AFB 4 (Annual)

(Discharged from Tyndall AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (03) Yrs (09) Mos (08) Das
TAMS: (03) Yrs (03) Mos (01) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/07/27.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable since it was based upon my alcoholism which is classified as a disease by the American Medical Association. This, compounded by a general lack of maturity during the course of my enlistment, caused me to turn to alcohol in an attempt to cope with stress.

Issue 2: I would like to add that I have been sober since October 11, 1995 and am a productive member of society. The person that I was while on active duty is not the person I am today.

ATCH
None.

02/11/13/ia

FD 1002-033(



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS USAF AIR DEFENSE WEAPONS CENTER (TAC)
TYNDALL AIR FORCE BASE FL 32403-5000

REPLY TO
ATTN OF: JA [REDACTED]

13 SEP 1990

SUBJECT: Legal Review of Administrative Discharge Under AFR 39-10, Chapter 5, Section H ([REDACTED])

TO: CC

1. BASIS: On 13 Sep 90, 2021 CS/CCO initiated action to administratively discharge [REDACTED] from the service under the provisions of AFR 39-10, Chapter 5, Section H, paragraph 5-46 for Misconduct. The commander recommended a general discharge.

2. SPECIFIC REASONS: The specific reason for the commander's discharge recommendation is that [REDACTED] has engaged in misconduct consisting of a pattern of minor disciplinary infractions. Specifically:

a. On 24 Aug 90, at Tyndall AFB, [REDACTED] wrongfully consumed alcoholic beverages while he was under the age of 21 years and he was drunk and disorderly. As a result, he received punishment under Article 15, which was placed in his Unfavorable Information File (UIF) (TAB 1-1).

b. On 18 Nov 89, [REDACTED] operated on Tyndall AFB a vehicle which had an expired license plate (TAB 1-2).

c. On 27 Mar 89, at Tyndall AFB, [REDACTED] wrongfully consumed alcoholic beverages while he was under the age of 21 years. As a result, he received a Letter of Reprimand (LOR) which was placed in his (UIF) and he was placed on the Control Roster (TAB 1-3).

d. On 21 Dec 88, at Tyndall AFB, [REDACTED] consumed alcoholic beverages while he was under the age of 21 years. As as result, he received a LOR and a UIF was established (TAB 1-4).

e. On 6 Jul 88, [REDACTED] failed to maintain his dorm room in compliance with the set cleanliness standards. As a result, he received a Letter of Counseling (TAB 1-5).

f. On 26 Jan 88, [REDACTED] failed to meet a scheduled dental appointment on Tyndall AFB. As a result, he was counseled (TAB 1-6).

3. PERSONAL INFORMATION: The respondent is 20 years old and enlisted on 17 Jun 87 for a term of four years. His overall promotion recommendation on enlisted performance reports is a 4. His overall rating on his airman performance report is a 9. [REDACTED] has not offered a statement in response to this discharge action. He has consulted with legal counsel regarding this discharge action.

4. DISCUSSION: The case file is legally sufficient subject to inclusion in the file of a report of medical examination showing the respondent is qualified for worldwide duty. AFR 39-10, paragraph 5-46, authorizes the discharge of airmen who engage in a pattern of misconduct consisting of minor disciplinary infractions. [REDACTED] documented instances of misconduct resulting in two Letters of Reprimand, individual counselings, and punishment under Article 15 satisfy the requirements under the regulation and support a general discharge. [REDACTED] has not behaved in accordance with the high standards of personal conduct set for Air Force members. The airman should be discharged from the Air Force.

5. OPTIONS: As discharge authority you may:

- a. Direct retention, or
- b. Direct discharge with a general discharge either with or without probation and rehabilitation, or
- c. Forward this file to IAF/CC with a recommendation for an honorable discharge either with or without probation and rehabilitation.

6. RECOMMENDATION: I recommend you direct discharge with a general discharge without probation and rehabilitation. [REDACTED] has received numerous opportunities to conform his conduct with minimum Air Force standards. Nevertheless, his misconduct continues. The failure of past rehabilitative attempts indicates that additional probation and rehabilitation efforts are inappropriate for this airman.

[REDACTED], USAF
Acting Staff Judge Advocate

1 Atch
Case File

FD 2002-0331



DEPARTMENT OF THE AIR FORCE

2021ST COMMUNICATIONS SQUADRON (AFCC)
TYNDALL AIR FORCE BASE FL 32403-8348



REPLY TO
ATTN OF:

CCO

13 SEP 1990

SUBJECT:

Letter of Notification - Administrative Discharge Action

TO:

[REDACTED], 2021 CS (TAC), Tyndall AFB, FL

1. I am recommending your discharge from the United States Air Force for misconduct. The authority for this action is AFR 39-10, paragraph E-46. If my recommendation is approved your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reason for this action is that you have engaged in misconduct consisting of a pattern of minor disciplinary infractions. Specifically:

a. On 24 Aug 90, at Tyndall AFB, you wrongfully consumed alcoholic beverages while you were under the age of 21 years and you were drunk and disorderly. As a result, you received punishment under Article 15, which was placed in your Unfavorable Information File (UIF) (TAB 1-1).

b. On 18 Nov 89, you operated on Tyndall AFB a vehicle which had an expired license plate (TAB 1-2).

c. On 27 Mar 89, at Tyndall AFB, you wrongfully consumed alcoholic beverages while you were under the age of 21 years. As a result, you received a Letter of Reprimand (LOR) which was placed in your (UIF) and you were placed on the Control Roster (TAB 1-3).

d. On 21 Dec 88, at Tyndall AFB, you consumed alcoholic beverages while you were under the age of 21 years. As a result, you received a LOR and a JIF was established (TAB 1-4).

e. On 6 Jul 88, you failed to maintain your dorm room in compliance with the set cleanliness standards. As a result, you received a Letter of Counseling (TAB 1-5).

f. On 26 Jan 88, you failed to meet a scheduled dental appointment on Tyndall AFB. As a result, you were counseled (TAB 1-6).

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.

Providing the Reins of Command

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 [REDACTED] at Bldg 1005 on 13 September 1990 at 0915 hrs. 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 within 3 workdays 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 to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
6. You completed a medical examination on 11 September 1990 at Tyndall AFB, FL.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 6. A copy of the AFR 39-10 is available for your use in the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED], USAF
Squadron Section Commander

6 Atchs

- 1-1. AF Form 3070, 6 Sep 90; w/Atch
- 1-2. DD Form 1408, 18 Nov 89
- 1-3. LOR, 5 Apr 89; w/Atch
- 1-4. LOR, 27 Dec 88; w/Atch
- 1-5. LOC, 12 Jul 88
- 1-6. Missed Appointment, 4 Feb 88