

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>SSGT</b>	AFSN/SSAN <b>[REDACTED]</b>				
TYPE	<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	<b>X</b>						
<b>MEMBERS SITTING</b>			<b>VOTE OF THE BOARD</b>				
			HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>							<b>X</b>
							<b>X</b>
							<b>X</b>
							<b>X</b>
							<b>X</b>
ISSUES <b>A93.19</b>	INDEX NUMBER <b>A67.50</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>9 Jan 03</b>							
CASE NUMBER <b>FD2002-0336</b>							
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.							
REMARKS <b>Case heard at Washington, D.C.</b>  <b>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.</b>							
SIGNATURE OF RECORDER <b>[REDACTED]</b>			SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>				
INDORSEMENT			DATE: <b>9 Jan 03</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

FD02-0336

**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 does not contest his discharge. He states that he had a problem with alcohol and was not given the opportunity for treatment. The record indicates the applicant received two Article 15's for writing bad checks and leaving his place of duty. He also received four Letters of Reprimand for Driving Under the Influence (twice), writing bad checks, financial irresponsibility, and failure to move out of base housing within the established time limit. The two DUI's involved civil authorities and after the first one, applicant was entered into the alcohol rehabilitation program. 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 SSGT) (HGH SSGT)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 08 Jun 89 UP AFI 36-3208, para 5-47a and 5-47b (Pattern of Misconduct - Discreditable Involvement with Military or Civil Authorities). Appeals for Honorable Disch.

**2. BACKGROUND:**

a. DOB: 01 Feb 59. Enlmt Age: 18 2/12. Disch Age: 30 4/12. Educ: HS DIPL. AFQT: N/A. A-64, E-68, G-55, M-59. PAFSC: 55270 - Structural Technician. DAS: 18 Jul 88.

b. Prior Sv: (1) AFRes 26 Apr 77 - 4 Oct 77 (5 months 9 days) (Inactive).

(2) Enlisted as AB 5 Oct 77 for 4 yrs. Reenlisted as SRA 17 Feb 81 for 5 yrs. Svd: 7 yrs 10 months 28 days, all AMS. AMN - 5 Apr 78. A1C - 5 Oct 78. SRA - 1 Jul 80. SGT - 1 Jul 81. APRs: 8,7,8,8,9,9,7(REF),9,9.

ART 15: 26 Mar 82, Bitburg, Germany - Article 111. You did, on or about 19 Mar 82, on Moetscher Strasse near the ----- car lot operate a vehicle, to wit: a passenger car, while drunk. Forfeiture of \$150.00 per month for two months. (No appeal) (No mitigation)

**3. SERVICE UNDER REVIEW:**

a. Reenlisted as SGT 3 Sep 85 for 4 yrs. Svd: 3 Yrs 9 Mos 4 Das, all AMS.

b. Grade Status: SSGT - 01 Aug 86.

c. Time Lost: None.

d. Art 15's: (1) 6 Apr 89, Shaw AFB, SC - Article 134. You did, on or about 22 Jan 89 and 23 Jan 89, make and utter to the -----; certain checks, in words and figures as follows, to wit: check numbers 0158 and 0159, made payable to the order of -----, drawn upon ----- National Bank, dated 22 Jan 89 and 23 Jan 89, respectively, in the amounts of \$16.65 and \$16.65, respectively and signed -----, for the purpose of purchasing certain things or obtaining cash, and did thereafter dishonorably fail to maintain sufficient funds in the ----- National Bank for payment of such checks in full upon their presentment for payment. Suspended reduction to Sgt, and 45 days extra duty. (No appeal) (No mitigation)

(2) 27 Apr 87, Osan AB, Korea - Article 86. Preliminary investigation has disclosed that you, did at Camp Long, Republic of Korea, on or about 16 Aug 87, without authority, go from your appointed place of duty, to wit: Camp Long. Suspended reduction to Sgt, and forfeiture of \$100.00. (No appeal) (No mitigation)

e. Additional: LOR, 21 APR 89 - Worthless checks.  
 LOR, 14 APR 89 - DUI.  
 LOR, 29 AUG 88 - DUI.  
 LOR, 13 FEB 89 - Worthless checks, financial irresponsibility, failure to move out of base housing within time limit, and only after repeated inspections able to meet housing inspection criteria.

f. CM: None.

g. Record of SV: 21 Aug 85 - 20 Aug 86 Griffis AFB 9 (Annual)  
 21 Aug 86 - 15 Apr 87 Griffis AFB 9 (CRO)  
 16 Apr 87 - 15 Apr 88 Osan AB 8 (Annual)  
 16 Apr 88 - 20 Feb 89 Shaw AFB 6 (CRO)REF

(Discharged from Shaw AFB)

h. Awards & Decs: AFAM, AFOUA W/3 OLCS, AFGCM W/1 OLC, AFOSSTR, AFOSLTR, AFLSAR W/1 OLC, NCOPMER, BMTHGR, SAEMR, AFTR.

i. Stmt of Sv: TMS: (12) Yrs (1) Mos (13) Das  
 TAMS: (11) Yrs (8) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Jul 02.  
 (Change Discharge to Honorable)

Issue 1: I've recieved (sic) 4 achocol (sic) related problem's (sic) while enlisted. 2 (sic) of which were all (Article)15, my job performance was above standard, my last two incident's (sic) came shortly after returning from Korea, on a remote tour. (married 1 year) Upon, returning my wife said she found another! 7 (sic) months & 2 DUI's (sic), I'm discharged. I was an E-5 who knew his trade, I was sent to Social Action's (sic) for one week. I was not given the opportunity for treatment (ie. 30 days) just let go.

Since then I have recieved (sic) treatment at the V.A. in Ashville, N.C. in 1998, and have been sober! Since an Honorable Discharge would make me more proud to have served.

FD2002-0336

ATCH  
None.

20Nov02/ia



## DEPARTMENT OF THE AIR FORCE

HEADQUARTERS NINTH AIR FORCE (TAC)

SHAW AIR FORCE BASE SC 29152-5002

1 Jun 89

REPLY TO  
ATTN OF: JAC (Capt Todd)

SUBJECT: Legal Review, AFR 39-10, [REDACTED], Shaw AFB SC

TO: CC

1. Summary of Facts: On 25 May 89, AFR 39-10 discharge action was initiated against the respondent under paragraphs 5-47a and 5-47d based on discreditable involvement with military or civilian authorities and dishonorable failure to pay just debts. The initiating commander recommended a general discharge without probation and rehabilitation (P&R). The respondent is entitled to a board hearing. On 26 May 89, he submitted an conditional waiver of his right to a hearing contingent upon his receiving no less than a general discharge. The 363 TFW/CC recommended the acceptance of the waiver and separation of the respondent with a general discharge without P&R. This action is based on the following:

a. On 4 Feb 89, the respondent was driving drunk off-base for which he received a letter of reprimand, control roster and an UIF entry. He was sentenced in civil court to a fine of \$2000 plus court costs and 45 days confinement to Shaw AFB SC.

b. On 5 Aug 88, the respondent was driving drunk off-base for which he received a letter of reprimand and an UIF entry. He was sentenced in civil court to a fine of \$268.00.

c. On 16 Aug 87, the respondent failed to go for which he received an Article 15 punishment consisting of a suspended reduction to Sgt and a forfeiture of \$100.00.

d. On 25 Jan 89 the respondent wrote a bad check to the Market Express for which he received a letter of reprimand and an UIF entry.

e. On 22 and 23 Jan 89 the respondent wrote two bad checks to the Shaw AFB Exchange for which he received an Article 15 punishment consisting of a suspended reduction to Sgt.

f. On 8 Feb 89 he wrote two bad checks to the Pantry on Hwy 441 for which he received a letter of reprimand.

2. Other Derogatory Information: The respondent has received a referral APR for substandard duty performance and received an Article 15 for DWI on 19 Mar 82. This DWI was in a prior enlistment and it cannot be used to characterize the type of discharge.

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3. Personal Data: The respondent is 30 years old, married with one child. He has been on active duty since 5 Oct 77, and his current enlistment began 3 Sep 85 for 4 years. He has received 13 APRs with overall ratings of six 9s, four 8s, two 7s and one 6. The respondent was entered into the alcohol evaluation program after the Aug 88 DWI charge.

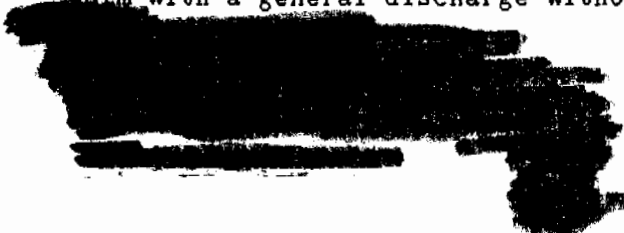
4. Conclusion: I have reviewed this case and find it legally sufficient. The 363 TFW/JA recommended a general discharge without P&R and provided a legal opinion with which I concur. This is a borderline general/UOTHC discharge case but I believe a general discharge is most appropriate. As the separation authority you have the following options:

a. Accept the respondent's conditional waiver and separate him with a general or an honorable discharge with or without P&R.

b. Reject the conditional waiver and direct the respondent to submit an unconditional waiver, or

c. Reject the conditional waiver and order a discharge board be convened.

5. Recommendation: Accept the respondent's conditional waiver and separate him with a general discharge without P&R.





DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 363D TACTICAL FIGHTER WING (TAC)

SHAW AIR FORCE BASE SC 29152-5000

FD 2002-0336

REPLY TO  
ATTN OF: JA

26 MAY 1989

SUBJECT: Legal Review of AFR 39-10 Action -- [REDACTED]  
[REDACTED] 363 Civil Engineering Squadron

TO: 363 TFW/CE [Signature]

1. Basis for Action: The Commander, 363 Civil Engineering Squadron, has recommended the above individual be separated from the service with a general discharge for misconduct pursuant to AFR 39-10, Chapter 5, Section H, paragraphs 5-47a and 5-47d. The specific reason for the proposed discharge is a Pattern of Misconduct.

2. Facts: The file reflects the respondent has been involved in the following incidents of misconduct:

A. Incidents of Discreditable Involvement with Military or Civil Authorities

DATE: 14 April 1989  
INCIDENT: DUI  
ACTION TAKEN: Letter of Reprimand/UIF

DATE: 29 August 1988  
INCIDENT: DUI  
ACTION TAKEN: Letter of Reprimand/UIF

DATE: 27 August 1987  
INCIDENT: Failure to Go  
ACTION TAKEN: Article 15

B. Incidents of Dishonorable Failure to Pay Just Debts

DATE: 21 April 1989  
INCIDENT: Worthless Check  
ACTION TAKEN: Letter of Reprimand, dtd 21 Apr 89

DATE: 22 - 23 January 1989  
INCIDENT: Worthless Checks (2)  
ACTION TAKEN: Article 15

DATE: 13 February 1989  
INCIDENT: Worthless Checks (2)/Financial Irresponsibility  
ACTION TAKEN: Letter of Reprimand/UIF

In addition to the above stated reasons which serve as the basis for this action, the record also shows the following additional

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derogatory information:

DATE: 14 April 1989  
INCIDENT: Substandard Duty Performance  
ACTION TAKEN: Referral APR

DATE: 17 August 1988  
INCIDENT: Alcohol Related Incidents and Erratic Duty Performance  
ACTION TAKEN: Denial of Reenlistment

DATE: 19 March 1982  
INCIDENT: DUI  
ACTION TAKEN: Article 15

3. Respondent's Submissions: Respondent conditionally waived the right to an administrative discharge board in exchange for a general discharge. The respondent did not submit written matters for consideration by the separation authority.

4. Errors and Irregularities: There are no significant errors or irregularities in the file.

5. Conclusions:

a. This file is legally sufficient to support a discharge for misconduct pursuant to AFR 39-10, Chapter 5, Section H, paragraphs 5-47a and 5-47d.

b. The respondent could receive an honorable, general or under other than honorable conditions discharge. The unit commander recommends the respondent's service be characterized as general. I concur with this recommendation. The respondent has an extensive record of misconduct and has demonstrated a complete disregard for Air Force standards, but his duty performance has been mostly good. Overall, his service is best characterized by a general discharge. I should inform you, however, that this is a borderline general/under other than honorable conditions discharge case. If it were not for respondent's acceptable performance, I would recommend his separation with an under other than honorable conditions discharge. In this regard the Article 15 dated 19 March 1982 was during a prior enlistment and, although it may be considered on the question of whether respondent should be separated, it cannot be used on the question of character of discharge.

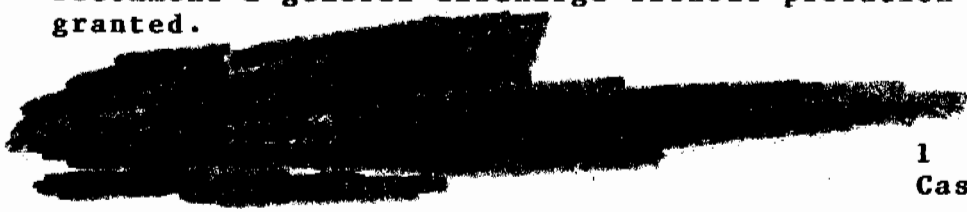
c. The commander does not recommend probation and rehabilitation. I concur with this recommendation because the respondent has received numerous reprimands and Article 15 actions but has continued to fail to meet Air Force Standards. The 1982 DUI may not be considered in establishing a basis for this discharge or in

characterizing the discharge because it occurred during a prior enlistment. However, it may be used in determining whether or not the respondent should be discharged. When the respondent's entire record is considered, he is a poor risk for rehabilitation.

d. Since the respondent has submitted an unconditional waiver of the right to a discharge board, you may not act as the separation authority in this case. The separation authority for board waiver cases is the General Court-Martial Convening Authority (9AF/CC). You have the following options:

- (1) retain the respondent in the Air Force;
- (2) recommend that an honorable discharge be granted with or without probation and rehabilitation and forward the case to 9AF/CC; or
- (3) recommend that a general discharge be granted with or without probation and rehabilitation and forward the case to 9AF/CC; or
- (4) reject the conditional waiver if you feel an under other than honorable conditions discharge is warranted and notify the respondent that either an unconditional waiver or a request for a board hearing may be submitted.

6. Recommendations: I recommend you forward the case to 9AF/CC and recommend a general discharge without probation and rehabilitation be granted.



1 Atch  
Case File



DEPARTMENT OF THE AIR FORCE

363D CIVIL ENGINEERING SQUADRON (TAC)

SHAW AIR FORCE BASE SC 29152-5000

FD 2002-0338

REPLY TO  
ATTN OF: CC

25 MAY 1989

SUBJECT: Letter of Notification - Board Hearing

TO: [REDACTED] 363 Civil Engineering  
Squadron

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct according to AFR 39-10, under the provisions of paragraphs 5-47a and 5-47d. 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. Incidents of Discreditable Involvement with Military or Civil Authorities:

DATE: 14 April 1989  
INCIDENT: DUI  
ACTION TAKEN: Letter of Reprimand/UIF

DATE: 29 August 1988  
INCIDENT: DUI  
ACTION TAKEN: Letter of Reprimand/UIF

DATE: 27 August 1987  
INCIDENT: Failure to Go  
ACTION TAKEN: Article 15

B. Incidents of Dishonorable Failure to Pay Just Debts

DATE: 21 April 1989  
INCIDENT: Worthless Check  
ACTION TAKEN: Letter of Reprimand

DATE: 22 - 23 January 1989  
INCIDENT: Worthless Checks (2)  
ACTION TAKEN: Article 15

DATE: 13 February 1989  
INCIDENT: Worthless Checks (2)/Financial Irresponsibility  
ACTION TAKEN: Letter of Reprimand/UIF

In addition to the above stated reasons which serve as the basis for this action, your record also shows the following additional derogatory information:

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DATE: 14 April 1989  
 INCIDENT: Substandard Duty Performance  
 ACTION TAKEN: Referral APR

DATE: 17 August 1988  
 INCIDENT: Alcohol Related Incidents and Erratic Duty  
 Performance  
 ACTION TAKEN: Denial of Reenlistment

DATE: 19 March 1982  
 INCIDENT: DUI  
 ACTION TAKEN: Article 15

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive a general discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You reported to Shaw Air Force Base Hospital on 15 May 1989 for a examination.

6. Military legal counsel [REDACTED] ADC, 2437 has been obtained to assist you. An appointment has been scheduled for you to consult him on 21 MAY 1989 at 1000 in bldg 928 room 109. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFM 111-1. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. 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 AFR 39-10 is available for your use in the orderly room.

9. Execute the attached acknowledgment and return it to me immediately.



3 Atch

- 1. Supporting Documents, Reasons for Discharge
  - a. LOR, dtd 14 Apr 89, w/atch
  - b. LOR, dtd 29 Aug 88
  - c. Art 15, dtd 26 Aug 87
  - d. LOR, dtd 21 Apr 89, w/atch
  - e. Art 15, dtd 23 Mar 89
  - f. LOR w/atch, dtd 13 Feb 89
- 2. Documents Containing Derogatory Information
  - a. Psychiatric Evaluation, dtd 1 Sep 88
  - b. AF Form 418, dtd 17 Aug 88
  - c. Art 15, dtd 16 Jun 82
- 3. Airman's Acknowledgment