

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

ISSUES A93.05	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 28 MAR 03	CASE NUMBER FD2002-0357	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, 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]
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INDORSEMENT	DATE: 28 MAR 03
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0357

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.

The applicant's issues are listed in the attached brief.

ISSUE: The applicant is not contesting his discharge. He states that he made some foolish mistakes when it came to alcohol and feels that to discharge him under a pattern of misconduct for only 2 drinking incidents was unfair. The record shows that the applicant received an Article 15 for willfully failing to refrain from consuming alcoholic beverages until the age of 21. In addition, he also received two Letters of Reprimand for underage drinking and driving while intoxicated, which resulted in a civilian arrest. And, he received a Record of Individual Counseling for being one hour late for work. The board concluded the misconduct was a significant departure from 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 and that the characterization of the discharge received by the applicant was found to be appropriate.

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

MISSING MEDICAL RECORDS

[REDACTED]
[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Jan 02 UP AFI 36-3208, para 5.50.2 (Misconduct - A Pattern of Misconduct). Appeals for Honorable Disch.
2. **BACKGROUND:**
 - a. DOB: 8 Feb 82. Enlmt Age: 17 9/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-81, E-75, G-88, M-72. PAFSC: 2W131L - Aircraft Armament Systems B-1B Apprentice. DAS: 30 Dec 00.
 - b. Prior Sv: (1) AFRes 9 Nov 99 - 4 Jul 00 (7 Mos 26 Days) (Inactive).
3. **SERVICE UNDER REVIEW:**
 - a. Enld as AB 5 Jul 00 for 4 yrs. Svd: 1 Yr 6 Mos 19 Das, all AMS.
 - b. Grade Status: AB - 13 Dec 01 (Article 15, 13 Dec 01)
A1C - Unknown
AMN - Unknown
 - c. Time Lost: None.
 - d. Art 15's: (1) 13 Dec 01, Whiteman AFB, MO - Article 92. You, who knew of your duties, on or about 2 Dec 01, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages until the age of 21, as it was your duty to do. Reduction to the grade of AB, 30 days extra duty, and 30 days restriction. (No appeal) (No mitigation)
 - e. Additional: RIC, 10 DEC 01 - Late for work.
LOR, 03 DEC 01 - Driving while intoxicated.
LOR, 20 AUG 01 - Underage drinking.
 - f. CM: None.
 - g. Record of SV: None.

(Discharged from Whiteman AFB)
 - h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (15) Das
TAMS: (1) Yr (6) Mos (19) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Aug 02.
(Change Discharge to Honorable.)

Issue: I would like to request an upgrade of my discharge from general to an honorable discharge. I feel that I served my country in an honorable fashion. I was a hard worker and good at my job. Unfortunately (sic) I made some foolish mistakes when it came to alcohol (sic). I feel that to discharge me under a pattern of misconduct for only 2 drinking incidents was unfair, and I would ask the board to view my file and the awards I submitted, hopefully you will see that I am deserving of an honorable discharge.

ATCH

1. Load Crew of the Quarter Certificate.
2. Outstanding Dormitory Room Certificate.
3. Outstanding Dormitory Room Certificate.

3 Dec 02/cr

DEPARTMENT OF THE AIR FORCE
325 BOMB SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

MEMORANDUM FOR [REDACTED]

7 JAN 02

FROM: 325 BS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United State Air Force for a pattern of misconduct. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved your service may 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. On 2 Dec 01, you were drinking under the legal age. For this incident you received an Article 15, dated 13 Dec 01. Additionally, this Article 15 was placed in your existing UIF. (Atch 1a)

b. On 10 Dec 01, you failed to show up at your place of duty on time. For this incident you received a Record of Individual Counseling, dated 10 Dec 01. (Atch 1b)

c. On 2 Dec 01, you were arrested by the Missouri Highway Patrol for driving while intoxicated. For this incident you were given a Letter of Reprimand, dated 3 Dec 01. This LOR was placed in a UIF. (Atch 1c)

d. On 18 Aug 01, you were drinking under the legal age. For this incident you received a Letter of Reprimand, dated 20 Aug 01. (Atch 1d)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial convening authority 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 any special pay, bonus, 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] in Bldg 509 on 8 JAN 02 at 0900. You may also consult civilian counsel at your own expense.


5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 10 JAN 02 unless you request and receive an extension for good cause shown. I will forward your statements 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 rights to do so.

7. You have been scheduled for a medical examination. You must report to Physical Exams at _____ on _____ 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 your unit's Orderly Room.

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


USAF
Commander

Attachments:

1. Supporting documents --for the reason for discharge

- a. Article 15/UIF, dated 13 Dec 01
- b. LOC, dated 10 Dec 01
- c. LOR/UIF, dated 3 Dec 01
- d. LOR, dated 20 Aug 01

2. Documents containing derogatory information --which are not listed in the notification memorandum. None.

3. Airman's receipt of notification memorandum, dated 7 JAN 02



DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS 509TH BOMB WING (ACC)
 WHITEMAN AIR FORCE BASE, MISSOURI

17 Jan 01

MEMORANDUM FOR 509 BW/CC

FROM: 509 BW/JA

SUBJECT: Final Legal Review, AFI 36-3208, Administrative Discharge
 [REDACTED]

1. **BASIS OF ACTION:** The respondent's squadron commander initiated this discharge action under AFD 36-32 and AFI 36-3208, paragraph 5.50.2, for a pattern of misconduct. He recommends an under honorable conditions (general) discharge without probation and rehabilitation.

2. **EVIDENCE FOR THE GOVERNMENT:** The record contains sufficient evidence to substantiate discharge under paragraph 5.50.2. Specific instances of the respondent's misconduct include:

- a. On 2 Dec 01, he was caught drinking alcohol while under the legal age of 21.
- b. On 10 Dec 01, he failed to arrive on time to his appointed place of duty.
- c. On 2 Dec 01, he was arrested by the Missouri Highway Patrol for driving while intoxicated.
- d. On 18 Aug 01, he was caught drinking while under the legal age of 21.

3. **EVIDENCE FOR THE RESPONDENT:** [REDACTED] is 19 years old. He has consulted counsel and elected to submit statements on his behalf. [REDACTED] entered the Air Force on 5 Jul 00. He is entitled to wear the Air Force Training Ribbon.

4. **DISCUSSION:** [REDACTED] was charged with and convicted of driving a car while under the influence of alcohol. This crime, by itself, is grounds for an administrative discharge for the commission of a serious offense. For this incident he was given a letter of reprimand. He also accepted an article 15 for consuming alcohol while under the legal drinking age of 21, a separate and unique offense, even though it arose from the same facts and circumstances surrounding his drunken driving. His commander feels that this discharge is warranted due to the fact that [REDACTED] continues to engage in a pattern of irresponsible, illegal and dangerous conduct despite the amount of time that the squadron has spent informally counseling and formally punishing him. His first sergeant, [REDACTED], describes a situation in which every (of the many) informal counseling sessions he has had with [REDACTED] ends in his agreeing to change his behavior, and expressing regret for his actions, followed immediately by a return to the same type of

irresponsible behavior both on and off duty. In fact, [REDACTED] reports that [REDACTED] confessed to 8 other instances of underage drinking, of which the squadron was not aware, after he was counseled for his D.U.I. [REDACTED] attended ADAPT orientation and evaluation after his first underage drinking incident in August of 2001, but apparently made little effort to control his drinking. After he was charged with drunk driving [REDACTED] warned him that one more infraction could lead to his discharge, and only nine days later he failed to arrive at work on time. Furthermore the 325 BS/CC states that he has lost all trust in his troop, and cannot rely on him to complete even the smallest tasks without supervision. The 325 BS/CC has written to this office pointing out several areas in [REDACTED] response to this discharge that he feels are incorrect assertions, and feels that serves as further evidence of this individuals lack of integrity. Finally [REDACTED] conduct has cost him his PRP and SAR status, and may result in the permanent loss of his security clearance, all of which will hamper the 325 BS in the completion of its mission.

5. DISPOSTION ALTERNATIVES: As the special court-martial convening authority you may:

- (a) Retain the respondent in the Air Force;
- (b) Direct that the respondent be separated with an under honorable conditions (general) discharge, with or without probation and rehabilitation;
- (c) Recommend the respondent be separated with an honorable discharge, with or without probation and rehabilitation, and forward this case to the general court-martial convening authority (8 AF/CC) for action;
- (d) Direct this case be reinitiated pursuant to the board hearing procedures of AFI 36-3208, Chapter 6, Section C, if you feel a discharge under other than honorable conditions (UOTHC) is warranted; or
- (e) Direct the case be reinitiated under another paragraph of AFI 36-3208, if you deem it more appropriate.

6. RECOMMENDATION: I recommend you discharge the respondent, characterizing his service as under honorable conditions (general), without an offer of probation and rehabilitation. If you agree, please sign the attached correspondence and return this file to JA for further processing.

[REDACTED] USAF
Chief, Adverse Actions

Attachment:
Discharge Package/[REDACTED]