

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	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 A92.22 A93.02 A.93.10	INDEX NUMBER 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 5 JUN 03	CASE NUMBER FD2002-0425			

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 Scott AFB, Illinois.

* Change in reason for discharge to Secretarial Authority

Advise applicant of the decision of the Board.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
--	---

INDORSEMENT	DATE: 5 JUN 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

CASE NUMBER

FD2000-0425

GENERAL: The applicant appeals for upgrade of discharge to Honorable Discharge, to change the RE code, and to change the Reason and Authority for discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Scott AFB, IL on June 5, 2003. The following additional exhibits were submitted at the hearing:

Exhibit 6: 1 Character Letter, dated 20 May 2003, Raman Crowell, Director, La Petite Academy

Exhibit 7: 1 Character Letter, dated 1 June 2003, Rebecca Skillern, Lead Teacher, La Petite Academy

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge to Honorable and change of Reason for discharge to Secretarial Authority.

The Board finds that the evidence of record and that provided by the applicant substantiates an impropriety that justifies an upgrade of the discharge.

ISSUES: The applicant was discharged with a General Discharge for Alcohol Rehabilitation Failure.

The applicant was separated due to failure to complete an alcohol rehabilitation program. The applicant presented several issues, which are under consideration for a causal or mitigating relationship with her failure to complete alcohol rehabilitation. Central to the applicant's issues is that she was treated unfairly by the medical professional staff at the time of her initial intake evaluation, which then precipitated her refusal to further participate in an alcohol rehabilitation program sponsored by the base hospital. It must be stated that the applicant was never ordered or directed to attend the alcohol rehabilitation program and that her commander had previously documented his intent to allow the applicant to voluntarily separate from military service in lieu of further administrative processing. The applicant testified that the professional staff member who conducted her evaluation, made inappropriate and threatening remarks, which contributed to her refusal to further participate in the alcohol rehabilitation program. The applicant's subsequent request for referral to a civilian alcohol rehabilitation program was denied due to existing policy for treatment of military members with alcohol dependency. The applicant was, shortly thereafter, processed for discharge after her refusal to participate in the alcohol rehabilitation program. The applicant offered additional testimony, supported by an eye witness present at her hearing, that she also experienced frequent negative racial comments from the senior enlisted supervisory staff within her organization and was not afforded avenues to remedy her distress through command channels existing at the time. The DRB also noted the circumstances surrounding the applicant's initial identification to be entered into alcohol rehabilitation, which was based upon an alcohol-related incident of substantiated spousal physical abuse from her husband, resulting in her husband's arrest. The applicant admitted using alcohol as a coping measure in the abusive relationship with her husband. Nonetheless, the husband was neither referred to receive alcohol treatment nor did he receive a punitive discharge. Since the applicant's discharge she has entered and successfully completed an alcohol rehabilitation program and testified she has remained alcohol-free for the past 18 months. The member's post-service activities are noteworthy with her participation in college-level education in the field of criminology. Two faculty members from the applicant's college, the St.Clair County Sheriff and a US Attorney staff member, also testified to the applicant's high moral character, high academic achievement, and their recommendations to offer the applicant an internship within the Department of Justice. The applicant presented evidence of a previous satisfactory term of enlistment culminating in an Honorable Discharge. Additionally, the DRB noted the applicant's performance reports have been satisfactory except for one referral report, following which she demonstrated a full recovery of satisfactory performance. The DRB concluded the circumstances

surrounding the applicant's discharge demonstrated an impropriety and that her discharge did not warrant the life-long characterization of her military service.

CONCLUSIONS: Discharge Review Board concludes that the discharge was not consistent with the procedural and substantive requirements of the discharge regulation.

In view of the foregoing findings, the Board also concludes that there exists an equitable basis for upgrade of discharge, thus the applicant's discharge should be changed to Honorable, Secretarial Authority.

Attachment:
Examiner's Brief

**DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD**

(Former SRA) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 2 Mar 01 UP AFI 36-3208, para 5.32 (Alcohol Rehabilitation Failure). Appeals for Honorable Discharge, to Change the RE Code, and to Change the Reason and Authority for Disch.

2. BACKGROUND:

a. DOB: 3 May 74. Enlmt Age: 19 9/12. Disch Age: 26 9/12. Educ: HS DIPL. AFQT: N/A. A-90, E-71, G-82, M-28. PAFSC: 1C052 - Operations Resource Management Journeyman. DAS: 31 May 94.

b. Prior Sv: (1) AFRes 22 Feb 94 - 27 Feb 94 (6 Days) (Inactive).

(2) Enlisted as AB 28 Feb 94 for 4 yrs. Svd: 3 yrs 9 months 16 days, all AMS. AMN - 28 Aug 94. A1C - 28 Jun 95. SRA - 28 Feb 97. EPRs: 3,3,5.

3. SERVICE UNDER REVIEW:

a. Reenlisted as SRA 15 Dec 97 for 4 yrs. Svd: 3 Yrs 2 Mo 15 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: 1 Oct 97 - 30 Sep 98 Scott AFB 5 (Annual)
1 Oct 98 - 30 Sep 99 Scott AFB 2 (Annual)
1 Oct 99 - 30 Jun 00 Scott AFB 4 (CRO) REF

(Discharged from Scott AFB)

h. Awards & Decs: AFOUA, AFGCM W/1 BOLC, NDSM, MOVSM, AFLSAR, NCOPMER, SAEMR, AFTR.

i. Stmt of Sv: TMS: (7) Yrs (0) Mos (9) Das
TAMS: (7) Yrs (0) Mos (3) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Sep 02.
(Change Discharge to Honorable, Change the RE Code, and Change the Reason

and Authority for Discharge)

Issue 1: Clemency is warranted because it is an injustice for me to continue to suffer the adverse consequences of a bad discharge.

Issue 2: My average conduct and efficiency ratings/behavior marks were good.

Issue 3: I received awards and decorations.

Issue 4: I received letters of recommendation.

Issue 5: I was so close to finishing my tour that it was unfair to give me a bad discharge.

Issue 6: I had a prior Honorable Discharge.

Issue 7: I have been a good citizen since discharge.

Issue 8: My record of conviction by civil authorities while I was in the service indicated only one minor offense.

Issue 9: Personal problems/marriage problems impaired my ability to serve.

ATCH

1. Thirteen Character Statements.
2. Personnel Records.
3. Certificate of Honorable Discharge.
4. Letter of Recommendation.
5. Two Letters of Appreciation.
6. Letter of Achievement.
7. Private Investigations Certificate.
8. Three Letters of Achievement.
9. Certificate of Proficiency.
10. Associate in Applied Science Degree.
11. Honorary Award Recognition, National Dean's List.
12. Letter of Achievement.
13. Credit Report.
14. Work Experience and Education and Training.
15. Criminal Record Clearance Letter.
16. Certificate of Birth (Son).
17. Certificate of Birth (Daughter).
18. Entitlement of Awards.

16Jan03/ia

16 NOV 2000

MEMORANDUM FOR [REDACTED]

FROM: 458 AS/CC

SUBJECT: Notification Letter -- Board Hearing

1. I am recommending your discharge from the United States Air Force for Failure in Alcohol Abuse Treatment. The authority for this action is AFPD 36-32, and AFI 36-3208, paragraph 5.32. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.
2. My reasons for this action under paragraph 5.32 are:
 - a. On or about 11 Sep 00 it was determined that you failed the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program (Atch 1).
 - b. On or about 23 Oct 00 a Commander-Directed Mental Health Evaluation was conducted by [REDACTED] recommends an administrative separation due to substance abuse treatment failure (Atch 2).
3. This action could result in your separation with an honorable or an under honorable conditions (general) discharge. If my recommendation is approved, your service will be characterized as honorable. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces.
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 must report to the 375th Medical Group, Physical Examinations Section with your medical records for a doctor to determine if further action is required.
6. 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.

7. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult with the Area Defense Counsel, Building 7, Scott AFB, IL, DSN 576-3246 on 16 Nov 00 at 0900 hrs. You may consult civilian counsel at your own expense.

8. 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 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.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

10. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

11. The discharge board or the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).

12. You will execute the attached receipt of notification and return it to me immediately.


Commander

Attachments:

1. ADAPT Letter, dated 11 Sep 00
2. MHE, dated 23 Oct 00
3. Airman's Receipt of Notification

**DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD**

(Former SRA) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 2 Mar 01 UP AFI 36-3208, para 5.32 (Alcohol Rehabilitation Failure). Appeals for Honorable Discharge, to Change the RE Code, and to Change the Reason and Authority for Disch.

2. BACKGROUND:

a. DOB: 3 May 74. Enlmt Age: 19 9/12. Disch Age: 26 9/12. Educ: HS DIPL. AFQT: N/A. A-90, E-71, G-82, M-28. PAFSC: 1C052 - Operations Resource Management Journeyman. DAS: 31 May 94.

b. Prior Sv: (1) AFRes 22 Feb 94 - 27 Feb 94 (6 Days) (Inactive).

(2) Enlisted as AB 28 Feb 94 for 4 yrs. Svd: 3 yrs 9 months 16 days, all AMS. AMN - 28 Aug 94. A1C - 28 Jun 95. SRA - 28 Feb 97. EPRs: 3,3,5.

3. SERVICE UNDER REVIEW:

a. Reenlisted as SRA 15 Dec 97 for 4 yrs. Svd: 3 Yrs 2 Mo 15 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: 1 Oct 97 - 30 Sep 98 Scott AFB 5 (Annual)
1 Oct 98 - 30 Sep 99 Scott AFB 2 (Annual)
1 Oct 99 - 30 Jun 00 Scott AFB 4 (CRO)REF

(Discharged from Scott AFB)

h. Awards & Decs: AFOUA, AFGCM W/1 BOLC, NDSM, MOVSM, AFLSAR, NCOPMER, SAEMR, AFTR.

i. Stmt of Sv: TMS: (7) Yrs (0) Mos (9) Das
TAMS: (7) Yrs (0) Mos (3) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Sep 02.
(Change Discharge to Honorable, Change the RE Code, and Change the Reason

and Authority for Discharge)

Issue 1: Clemency is warranted because it is an injustice for me to continue to suffer the adverse consequences of a bad discharge.

Issue 2: My average conduct and efficiency ratings/behavior marks were good.

Issue 3: I received awards and decorations.

Issue 4: I received letters of recommendation.

Issue 5: I was so close to finishing my tour that it was unfair to give me a bad discharge.

Issue 6: I had a prior Honorable Discharge.

Issue 7: I have been a good citizen since discharge.

Issue 8: My record of conviction by civil authorities while I was in the service indicated only one minor offense.

Issue 9: Personal problems/marriage problems impaired my ability to serve.

ATCH

1. Thirteen Character Statements.
2. Personnel Records.
3. Certificate of Honorable Discharge.
4. Letter of Recommendation.
5. Two Letters of Appreciation.
6. Letter of Achievement.
7. Private Investigations Certificate.
8. Three Letters of Achievement.
9. Certificate of Proficiency.
10. Associate in Applied Science Degree.
11. Honorary Award Recognition, National Dean's List.
12. Letter of Achievement.
13. Credit Report.
14. Work Experience and Education and Training.
15. Criminal Record Clearance Letter.
16. Certificate of Birth (Son).
17. Certificate of Birth (Daughter).
18. Entitlement of Awards.

16Jan03/ia

16 NOV 2000

MEMORANDUM FOR [REDACTED] 458 AS

FROM: 458 AS/CC

SUBJECT: Notification Letter – Board Hearing

1. I am recommending your discharge from the United States Air Force for Failure in Alcohol Abuse Treatment. The authority for this action is AFPD 36-32, and AFI 36-3208, paragraph 5.32. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.
2. My reasons for this action under paragraph 5.32 are:
 - a. On or about 11 Sep 00 it was determined that you failed the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program (Atch 1).
 - b. On or about 23 Oct 00 a Commander-Directed Mental Health Evaluation was conducted by [REDACTED] recommends an administrative separation due to substance abuse treatment failure (Atch 2).
3. This action could result in your separation with an honorable or an under honorable conditions (general) discharge. If my recommendation is approved, your service will be characterized as honorable. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces.
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 must report to the 375th Medical Group, Physical Examinations Section with your medical records for a doctor to determine if further action is required.
6. 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.

7. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult with the Area Defense Counsel, Building 7, Scott AFB, IL, DSN 576-3246 on 16 Nov 00 at 0900 hrs. You may consult civilian counsel at your own expense.

8. 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 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.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

10. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

11. The discharge board or the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).

12. You will execute the attached receipt of notification and return it to me immediately.


Lt Col, USAF
Commander

Attachments:

1. ADAPT Letter, dated 11 Sep 00
2. , dated 23 Oct 00
3. Airman's Receipt of Notification