

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AMN	AFSN/SSAN ██████████
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TYPE	X PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	
NAME OF COUNSEL AND OR ORGANIZATION		

MEMBERS SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
██████████					X
██████████					X
██████████					X
██████████					X
██████████					X

ISSUES A93.19	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 4 JUN 03	CASE NUMBER FD2002-0447			

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 Scott AFB, Illinois.

 Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER ██████████	SIGNATURE OF BOARD PRESIDENT ██████████
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INDORSEMENT	DATE: 4 JUN 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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DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 JAN 02 UP AFI 36-3208, para 5.32 (Failure in Alcohol Abuse Treatment). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 30 Jul 82. Enlmt Age: 18 4/12. Disch Age: 19 5/12. Educ: HS DIPL. AFQT: N/A. A-67, E-66, G-66, M-49. PAFSC: 4A131 - Medical Material Apprentice. DAS: 18 May 01.

b. Prior Sv: (1) AFRes 29 Nov 00 - 9 Jan 01 (1 month 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Jan 01 for 6 yrs. Svd: 1 Yr 0 Mo 15 Das, all AMS.

b. Grade Status: AMN - 13 NOV 01 (Article 15, Vacation, 4 Dec 01)
A1C - 26 FEB 01

c. Time Lost: None.

d. Art 15's: (1) 4 Dec 01, Vacation, Ramstein AFB, Germany - Article 86. You did, on or about 21 Nov 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 134. You were, on or about 21 Nov 01, as a result of wrongful previous overindulgence in intoxicating liquor incapacitated for the proper performance of your duties. Reduction to Amn. (No appeal) (No mitigation)

(2) 13 Nov 01, Ramstein AFB, Germany - Article 86. You did, on or about 9 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty. Article 134. You were, on or about 9 Oct 01, as a result of previous overindulgence in intoxicating liquor incapacitated for the proper performance of your duties. You were, on or about 5 Oct 01, drunk and disorderly. Suspended reduction to Amn. Thirty days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOC, 18 JUN 01 - Dereliction of duty.
MFR, OCT 01 - Failure to go.

f. CM: None.

g. Record of SV: None.

(Discharged from Offutt AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (1) Mos (27) Das
TAMS: (1) Yrs (0) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Oct 02.
(Change Discharge to Honorable)

Issue 1: At the time that I enlisted with the USAF, I was given a waiver for a DUI before I was able to enlist. I had alcohol abuse problems before entering the military. Once in the USAF, I was assigned alcohol rehabilitation by the military. During my treatment, stationed in Germany, the events of 09/11/2001 took place. With the stress of this situation, my friends being deployed, away from my family, the stress was overbearing. At this point, my only release was to drink alcohol. Unfortunately, this is the obvious reason for my discharge. Again, unfortunately, the circumstances at the time prevailed over my life.

I am currently enrolled in an alcohol treatment program. Once I feel that my problem is cured, I am in hopes of joining the reserves.

Any and all consideration to my request would be greatly appreciated.

ATCH

1. DD Form 214.

24JAN03/ia



DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAFE)

FD2002-0447

17 DEC 2001

MEMORANDUM FOR [REDACTED]

FROM: 86 MDSS/CC

SUBJECT: Notification Memorandum

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, Failure in Alcohol Abuse Treatment. If my recommendation is approved, your service will be characterized honorable or general. I am recommending your service be characterized as general.

2. My reason for this action is:

a. On 27 November 2001, you were discharged from the Alcohol and Drug Awareness Prevention Treatment (ADAPT) program because of your inability to comply with the specifications of your contract while receiving treatment. (Atch 1a).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SCM jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the United States 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 United States Air Force, and any special pay, bonus, or education assistance funds you have received may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have an appointment with _____, **Area Defense Counsel, Ramstein Air Base, Germany, Bldg 2111, 480-2182/2492** on _____. You may consult and employ civilian counsel, if readily available, at your own expense. The Area Defense Counsel requests that you stop by their office prior to your appointment to pickup the Administrative Discharge Booklet.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by (3 duty days) 20 Dec at 1130 hours 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 submit statements in your behalf, your failure will constitute a waiver of your right to do so.

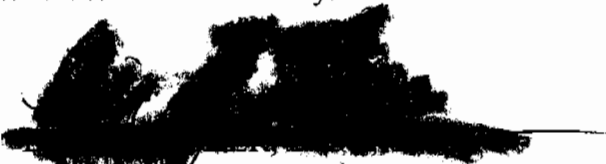
7. You must report in uniform with your medical records and an escort to the Ramstein Air Base Clinic, Physical Exams, Building 2182 on 0749 12 DEC 01 for the evaluation. They will

decide whether you need a complete physical exam or a family practice appointment. If an examination is required, tell the doctor you need a "separation" physical examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

8. Although not a reason for your discharge, your incidents of misconduct, recorded in a letter of counseling (LOC), a nonjudicial punishment action, and a vacation of suspended nonjudicial punishment action are additional considerations and are therefore attached. (Atch 2a-2c).

9. 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 the orderly room.

10. Execute the attached acknowledgement and return it to me immediately.



Commander

Attachments:

1. Supporting Documents: Program Failure Memorandum, 27 Nov 01
2. Other Documents:
 - a. LOC, 18 Jun 01
 - b. Article 15, 13 Nov 01
 - c. Vacation Action, 6 Dec 01
3. Airman's Receipt of Notification Memorandum



DEPARTMENT OF THE AIR FORCE
86TH AIRLIFT WING (USAFE)

20 SEP 2001

MEMORANDUM FOR 86 AW/CC

FROM: 86 AW/JA

SUBJECT: Legal Review of Discharge - [REDACTED]

1. I have reviewed the administrative discharge action against Amn [REDACTED] 324-80-5176, and find it legally sufficient to support her discharge under AFI 36-3208, Chapter 5, paragraph 5.32, *Failure in Alcohol Abuse Treatment*.

2. BASIS FOR THE ACTION: On 17 December 2001, [REDACTED] 86 MDSS/CC, recommended [REDACTED] be discharged from the Air Force with a General (Under Honorable Conditions) discharge. Amn [REDACTED] discharge is based upon her 27 November 2001 discharge from the Alcohol and Drug Awareness Prevention Treatment (ADAPT) program. [REDACTED] exhibited an inability to comply with the specifications of her treatment contract.

3. MATTERS SUBMITTED BY THE RESPONDENT: On 18 December 2001, the respondent consulted counsel and submitted a statement. In her statement, Amn Bahr asks that she receive an honorable discharge.

4. DISCUSSION:

a. I note no errors or irregularities that affect Amn Bahr's legal rights.

b. Upon entry in the ADAPT program on 4 June 2001, [REDACTED] signed a contract in which she agreed to not consume any alcohol while in the ADAPT program. During the course of her treatment, she was administered a random BAT and was found to have alcohol in her system. She could have been discharged as a program failure at this point, but she was given another chance. This second chance required her to attend a more stringent program in Rota, Spain, as well as having a new treatment plan developed that would help her abstain from drinking. She attended this program for two weeks, and returned with the understanding that she was still not allowed to drink as she had not yet successfully completed the ADAPT program.

c. On 4 October 2001, she was involved in another alcohol related incident and was subsequently admitted into the Landstuhl Regional Medical Center (LRMC) emergency room. Once again, this would have been sufficient to discharge her from the ADAPT program as a program failure. Instead, a short term intervention plan was developed for her that included Alcoholics Anonymous meetings and exploring alternative activities other than drinking. She

was to report back to ADAPT on 10 October 2001 to establish new treatment goals. She did not make this appointment due to another alcohol related incident on 9 October 2001.

d. [REDACTED] was given a third chance to successfully complete the ADAPT program when she was sent to Lakenheath, England, for yet another program. This program was to address any mental health issues she may have had that were contributing to her continued alcohol use. Once she returned from this program, she was given new treatment goals to complete. One of these included abstaining from alcohol use. [REDACTED] was then briefed that non-compliance would result in failing out of the program, along with the possibility of administrative discharge.

e. On 21 November 2001, [REDACTED] reported for work late and under the influence of alcohol. She even stated to the ADAPT treatment personnel that "she drank because she wanted to" and that she had "played them all along." [REDACTED] unit has been extremely lenient with her regarding her alcohol use. She has been afforded every opportunity to complete the ADAPT program and salvage her military career. Given her repeated alcohol abuse, her commander sees no alternative to discharging [REDACTED] from the United States Air Force. I concur.

5. OTHER MATTERS: Before the respondent can be discharged, she must be found medically qualified for worldwide duty in accordance with AFI 36-3208, paragraph 6.3. [REDACTED] had her medical appointment on 18 December 2001 and processing should not be delayed to wait for the medical report. You may authorize the discharge, but it will not be executed until the medical report is complete.

6. CHARACTERIZATION OF SERVICE:

a. Characterization of service should be based on the quality of the member's service in the current enlistment. [REDACTED] has eleven months of military service. Her current enlistment began on 10 January 2001 for a term of 6 years. The respondent has not had enough time in service to warrant an EPR.

b. AFI 36-3208, Paragraph 5.33.1 indicates the service of an airman discharged for Failure in Alcohol Abuse Treatment may be characterized as either honorable or general.

c. An honorable characterization is warranted when an airman's service generally has met Air Force standards of acceptable conduct and the member's duty performance has otherwise been so meritorious that any other characterization would be inappropriate.

d. A general characterization is warranted when an airman's service has been honest and faithful, but significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record.

e. In this case, [REDACTED] has received a letter of counseling, nonjudicial punishment, and a vacation of the suspended portion of her nonjudicial punishment, all for being incapacitated for duty. Additionally, she refused to abide by the rules and regulations set forth in the alcohol treatment program. In her statement, [REDACTED] states that it was her understanding "that the Air

Force is here to help" and that she should receive an honorable discharge. What she fails to acknowledge is that the Air Force has used every available resource to try to help her and that she has been unable or unwilling to meet even minimum standards. Considering the above factors, the negative aspects of [REDACTED] conduct outweighs any positive aspects of her career.

7. PROBATION AND REHABILITATION: Under AFI 36-3208, Chapter 7, the member is entitled to have probation and rehabilitation (P&R) considered by the discharge authority. Approval of P&R includes ordering a discharge and then suspending it for a period to allow the member a chance to show she is able to meet Air Force standards. The respondent's commander does not recommend P&R. [REDACTED] had several chances to complete the ADAPT program satisfactorily and rehabilitate herself, but she failed to follow treatment recommendations. The commander believes that if [REDACTED] were to remain in the Air Force, she would continue to serve as a negative influence upon other airmen. [REDACTED] retention in a probationary status is not consistent with the maintenance of good order and discipline in the Air Force. I agree with the commander; P&R is not appropriate in this case.

8. ACTIONS WHICH MAY BE TAKEN: As the Special Court-Martial Convening Authority, you have the following options:

- a. Direct the respondent be retained in the USAF;
- b. Direct the respondent be separated from the USAF with an honorable discharge, with or without P&R; or,
- c. Direct the respondent be separated from the USAF with a general (under honorable conditions) discharge, with or without P&R.

9. RECOMMENDATION: Direct the respondent be separated from the USAF with a general (under honorable conditions) discharge, without P&R, by signing Attachment 1.

[REDACTED]
[REDACTED], Colonel, USAF
Staff Judge Advocate

Attachments:

1. Proposed Memo for 86 AW/CC
2. Discharge Package
3. Respondent's Documentation:
 - a. Receipt of notification memorandum, 17 Dec 01
 - b. Respondent's statement, 18 Dec 01