

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██	<b>GRADE</b> AIC	<b>AFSN/SSAN</b> ████████████████████
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<b>TYPE</b>	<input checked="" type="checkbox"/> <b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>NO</b>	
	X	

<b>MEMBERS SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
	X*				
	X*				
	X*				
	X*				
	X*				

<b>ISSUES</b> A94.06	<b>INDEX NUMBER</b> A69.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		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 Andrews AFB, MD  
 \* Change reason and authority and reenlistment code  
 Advise applicant of the decision of the Board.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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<b>INDORSEMENT</b>	<b>DATE: 24 APR 02</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0452

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge and change of reenlistment eligibility code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD on April 24, 2003. Mr. CHC, applicant's father testified on the applicant's behalf.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Character reference letter

Exhibit 7: College transcript

Exhibit 8: Letter to Senator

**FINDINGS:** The discharge is upgraded to Honorable, the reason for discharge is changed to Secretarial Authority and change of the reenlistment code is approved.

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

**ISSUES:** The applicant's issues are listed in the attached brief. The applicant contends that his discharge was inequitable because he was not afforded probation and rehabilitation and was singled out due to initial minor infractions. He feels that evidence of his potential for rehabilitation was ignored.

The record indicates the applicant received four Letters of Counseling and two Letters of Reprimand for being late for duty, not shaving, leaving his dorm room unlocked, having an unregistered vehicle, and involvement in a fight while drinking determined to be in self defense. For the latter alcohol related incident the applicant was referred for alcohol rehabilitation. The applicant was determined to have failed the alcohol rehabilitation program and was discharged on that basis. After a thorough review of the record and listening to testimony during this hearing, the Board noted that the applicant's initial minor misconduct occurred over a period of two weeks shortly after arriving at his first duty station and was corrected by the applicant without recurrence. Evidence of the record shows that duty performance following his initial mistakes was excellent as documented by awards and very strong letters of recommendation from senior non-commissioned officers who directly supervised him. The Board noted with concern the alcohol program failure letter but noted a lack of confirmatory documentation in the medical and personnel records, and contradictory evidence from direct supervisors who provided character references. The applicant provided evidence regarding his post service conduct that supported his claim of suitability for probation and rehabilitation. The board concluded that the basis for discharge was proper and within the commander's discretion, and that the applicant was afforded proper due process during his discharge proceeding. However the DRB concluded that the applicant's discharge was too harsh, and that probation and rehabilitation would have been an appropriate option in this case.

**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. However evidence of the record and testimony finds the discharge inequitable and service deserving of characterization as honorable.

In view of the foregoing findings the Board further concludes that there exists an equitable basis for upgrade of discharge, thus the applicant's discharge should be changed to Honorable, the reason to Secretarial Authority, and the reenlistment code changed to 3K.

Attachment  
Examiner's Brief

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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Jul 02 UP AFI 36-3208, para 5.32 (Failure in Alcohol Abuse Treatment). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 5 Dec 82. Enlmt Age: 18 4/12. Disch Age: 19 6/12. Educ: HS DIPL. AFQT: N/A. A-50, E-58, G-50, M-57. PAFSC: 2F031 - Fuels Apprentice. DAS: 7 Sep 01.

b. Prior Sv: (1) AFRes 17 Apr 01 - 22 May 01 (1 Month 6 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 23 May 01 for 6 yrs. Svd: 1 Yr 1 Mo 11 Das, all AMS.

b. Grade Status: A1C - 6 Jul 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MFR, 20 MAY 02 - Failure in the alcohol and drug treatment program.  
LOC, 29 APR 02 - Assault (self defense)  
LOR, 29 JAN 02 - Security violation for leaving dormitory room unsecured.  
RIC, 08 JAN 02 - Unregistered vehicle in dormitory parking lot.  
LOR, 01 NOV 01 - Late for duty.  
RIC, 27 OCT 01 - Reported for duty without shaving.  
RIC, 16 OCT 01 - Late for duty.

f. CM: None.

g. Record of SV: None.

(Discharged from Kirtland AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (2) Mos (17) Das  
TAMS: (1) Yr (1) Mo (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Oct 02.  
(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Congressional Inquiry.

27 Jan 02/cr

**8. ISSUES**

The Board will consider any issue submitted by you prior to closing the case for deliberation. Board also will review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues

**My request:** change my discharge to Honorable and change my RE code to one that will allow me to re-enter the military service. **The issue:** I arrived at Ramstein AB Germany on September 6, 2001. We were at war soon after my arrival and it was a horrible experience for every American. I started my actual USAF job of refueling at Ramstein. In my first two months in a new country at the age of 18, and after 4 months of Basic Training and Tech School I made some mistakes. I was late for work several times and in need of a shave once. I didn't start off on the right foot with the First Sergeant and the freedom to drink beer freely in the country of Germany didn't help. In the months of September and October I was not a model troop and I began to realize I needed to shape up through some counseling's and reprimand. By November 2001 my duty performance was getting much better and continued to improve until my discharge. My unit won the best Fuels Shop in the Air Force. I still did not get along well with the First Sergeant but my duty was good. A general officer even complimented my stopping an unsafe refueling operation and my commander complimented me at commander's call for this. I was told in February 2002 that my supervisor was nominating me as outstanding performer of the month.

My big problem happened when I was at the NCO club drinking one night and a Norwegian soldier started picking a fight. I tried to avoid him and left but he followed me. When he approached me with loud and abusive language in a threatening way I hit him. He came at me again and I hit him again. I believe these two actions were in self-defense. Friends of mine held the guy off and I went to my dormitory, on foot, several hundred yards away. Someone from the Club called the Security Police, they came to investigate, and by that time I was in my dorm room and they came to talk to me. They gave me a test and I was intoxicated. The Norwegian soldier said that is how they had fun (fighting) in his country and there were no charges filed. I was not punished for my self-defense part of the two-punch fight but I was told this was an alcohol related incident and entered the Alcohol/Drug program. I continued to do my work well and attend the Alcohol courses. I also entered college level entrance courses in English and Math. After about 4 weeks of the alcohol program, I was in my dorm room and I had a beer and my supervisor saw me and reported me. After several weeks I was informed I would be considered for involuntary discharge. I was scared and when I spoke to the commander he said don't get upset. This is not necessarily the end of your career. I wrote the letter of rebuttal to involuntary discharge with the help of a legal officer (see attached). I submitted the letter but was still discharged about 4 weeks after I submitted the letter. I was given 2 days to clear the base. I lost all the monies for the courses I took. I know my poor relationship with the first sergeant had a lot to do with the discharge. I was discharged at Kirtland AFB NM on July 2, 2002 and went to all the recruiters that day. My RE code precludes me from enlisting. I asked [REDACTED] what to do and he gave me the USAF DD293 information. I have never had an article 15. I know and respect the laws on drinking and do not have a drug or alcohol problem. I am currently enrolled full time in carpentry classes at the Albuquerque Technical and Vocational Institute (TVI). I am a good and hard working young man and I want to serve my country. I am fully trained in the fuels career field and can be trained into many others. I now know what it takes to be an outstanding troop and pledge to you that I will be one. Please consider my request for continued service through board action on my request. Thank you for time and consideration.



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

FD2002-0452

11 Jun 02

MEMORANDUM FOR [REDACTED]

FROM: 86 SUPS/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 your failure in the Alcohol and Drug Awareness Prevention Treatment (ADAPT) program. (Atch 1a). 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, and any special pay, bonus, or education assistance funds may be subject to recoupment.

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, **Area Defense Counsel, Ramstein Air Base, Germany, Bldg 2111, 480-2182/2492 on 13 June/0900 with [REDACTED]**. You may consult and employ civilian counsel 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.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by (3 duty days) 17 Jun 02 at 1330 hours unless you request and receive an extension for good cause shown. I will send them to the separation authority.

CC  
JMP

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.



50 Years of Friendship and Freedom

6. You have been scheduled for a medical examination and you must report in uniform with your medical records and an escort to the Ramstein Air Base Clinic, **Physical Exams, Building 2121** on 18 Jun 02 0700 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.

7. Although not a reason for your discharge, your incidents of misconduct, recorded as Records of Individual Counseling, Letters of Reprimand (LOR) and Letters of Counseling (LOC) are additional considerations and are therefore attached. (Atch 2a-2f).

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 the orderly room.

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

  
Commander, USAF

Attachments:

1. Supporting Documents:
  - a. Program failure letter, dated 20 May 02
  - b. Abstinence contract, dated 14 Mar 02
2. Other Documents:
  - a. RIC, dated 16 Oct 01
  - b. RIC, dated 27 Nov 01
  - c. LOR, dated 1 Nov 01, w/response and UIF documents
  - d. RIC, dated 8 Jan 02
  - e. LOR, dated 29 Jan 02, w/response
  - f. LOC, dated 29 Apr 02, w/ UIF document
3. Airman's Receipt of Notification Memorandum