

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>AIC</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>X</b>				
			<b>X</b>				
			<b>X</b>				
							<b>X</b>
			<b>X</b>				
ISSUES <b>A94.06</b>		INDEX NUMBER <b>A67.10</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		
				HEARING DATE <b>22 MAY 03</b>		CASE NUMBER <b>FD2002-0469</b>	
				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 <b>Case heard at Washington, D.C.</b>  <b>Advise applicant of the decision of the Board.</b>							
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT <input checked="" type="checkbox"/>			
INDORSEMENT					DATE: <b>22 MAY 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

FD02-0469

**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 granted.

**ISSUE:** Applicant does not contest his discharge. He states that it was too harsh because he was a good soldier while he served and he would like to receive his GI Bill benefits. The record indicates the applicant received an Article 15 for being incapacitated for the proper performance of his duties by overindulgence in intoxicating liquor. In addition, he received two Letters of Reprimand for breaking curfew and missing a movement, and two Records of Individual Counseling for being late for duty. The DRB opined that the applicant was not guilty of missing a movement and he was appropriately punished for the overindulgence in April 2000. The trigger for the discharge was for breaking curfew and this was not an appropriate reason for the discharge.

**CONCLUSIONS:** The 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 further concludes that there exists an equitable basis for upgrade of discharge, thus the applicant's discharge should be changed to Honorable and the Reason is Secretarial Authority.

Attachment:  
Examiner's Brief

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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 10 Jan 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 12 Jan 80. Enlmt Age: 18 11/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-36, E-86, G-76, M-86. PAFSC: 3E851 - Explosive Ordinance Disposal Journeyman. DAS: 17 Feb 00.

b. Prior Sv: (1) AFRes 8 Jan 99 - 10 Mar 99 (2 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 11 Mar 99 for 6 yrs. Svd: 2 Yrs 10 Mo 0 Das, all AMS.

b. Grade Status: A1C - 27 Feb 01  
AMN - 27 Apr 00 (Article 15, 27 Apr 00)  
A1C - 23 Apr 99

c. Time Lost: None.

d. Art 15's: (1) 27 Apr 00, Misawa AB, Japan - Article 134. You, were, on or about 7 Apr 00, as a result of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of your duties. Reduction to Amn. (No appeal) (No mitigation)

e. Additional: LOR, 09 NOV 01 - Violation of Article 92, Failure to Obey an Order or Written Regulation.  
LOR, 21 SEP 01 - Missing movement.  
RIC, 27 AUG 01 - Late for duty.  
RIC, 21 JAN 00 - Late for duty.

f. CM: None.

g. Record of SV: 11 Mar 99 - 10 Nov 00 Misawa AB 4 (Initial)  
11 Nov 00 - 31 May 01 Misawa AB 4 (CRO)

(Discharged from Misawa AB)

h. Awards & Decs: SAEMR, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (3) Das  
TAMS: (2) Yrs (10) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Oct 02.  
(Change Discharge to Honorable)

Issue 1: I please request the Board to upgrade my discharge from general to honorable due to the following reasons: At the time of separation I wanted to stay in the service. I have attached documents to support that. I was a good soldier while I served. My attached EPS support this. I wish to reconsider my upgrade so that I may receive my GI Bill to better my life. There are also errors on my DD Form 214 that need to be corrected. It reflects that I separated on Jan. 20, 2001 when in fact the year should be 2002. It also indicates in item 11, my specialty should reflect 2 years and 10 mos. and not 2 years and 8 mos. I respectfully ask the Board to make these corrections as well.

**ATCH**

1. DD Form 214.
2. Personal Statement.
3. Response to Notification of Intent to Discharge.
4. Two Enlisted Performance Reports.

6FEB03/ia



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

FD 2002-0469

6 DEC 2001

MEMORANDUM FOR [REDACTED]

FROM: 35 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct – Minor Disciplinary Infractions, in accordance with AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. I am recommending that your service be characterized as Under Honorable Conditions (general).

2. My reasons for this action are:

a. On 1 Mar 00 and 16 Mar 00, you failed to show for normal duty hours. For this misconduct, you received a Letter of Counseling (LOC).

b. On 7 Apr 00, you were, as a result of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of your duties. For this misconduct, you received an Article 15 and an Unfavorable Information File (UIF) was established.

c. On 24 Aug 01, you failed to show to your appointed work area at the appropriate time. For this misconduct, you received a second LOC.

d. On 21 Sep 01, you negligently failed to make your flight departing Montgomery, Alabama which could have resulted in a critical manning shortage in light of the recent terrorist attacks. For this misconduct, you received a Letter of Reprimand (LOR).

e. On 4 Nov 01, you violated General Order No. 01-3. For this misconduct, you received a second LOR.

3. Copies of the documents to be forwarded to the separation authority are attached. The commander exercising SPCM jurisdiction, or a higher authority, will decide whether you will be discharged or remain 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.

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] the Area Defense Counsel, at Building 514, on 7 Dec, 2001, at 0900 hours. You may 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 within three workdays of your receipt of this Notification Memorandum, unless you request and receive an extension for good cause. I will forward them to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf within the time allotted, your failure shall constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the 35th Medical Group, on 13 Dec, 2001, at 1345 hours. If you wear glasses, you must bring your glasses to the examination. If you wear contacts, you must remove them the night before 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 at the Office of the Area Defense Counsel, Building 514, your orderly room, or the Base Publications Library.

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

 USAF  
Commander, 35<sup>th</sup> Civil Engineer Squadron

Date 6 Dec 01

Attachments:

1. Airman's Receipt of Notification Memorandum
2. LOC, dtd 21 Mar 00
3. Article 15, dtd 27 Apr 00
4. LOC, dtd 21 Sep 01
5. LOR, dtd 21 Sep 01
6. LOR, dtd 9 Nov 01