

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> AMN	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
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<b>YES</b>	<b>No</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b> [REDACTED]	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b> <b>Texas Veterans Commission</b>
<b>X</b>			

<b>MEMBER SITTING</b>	<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b>	A94.05	<b>INDEX NUMBER</b>	A67.10	<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
					COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE

<b>HEARING DATE</b>	<b>CASE NUMBER</b>
05 Dec 2003	FD-2002-0472

APPLICANT'S ISSUES AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Randolph AFB, Texas.

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

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>TO:</b> SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2002-0472**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and change the reenlistment code.

The applicant appeared before the DRB at Randolph AFB, Texas and was represented by [REDACTED] from the Texas Veterans Commission.

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

**FINDINGS:** Upgrade of Discharge, change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh and he would like to become a Deputy in Shreveport, LA. The records indicated the applicant received an Article 15 for making a false official statement and for unlawfully grabbing and shoving a female airman. Additionally, he received a Letter of Reprimand and two Letters of Counseling for failure to obey an order and dereliction of duty, for being involved in a dispute while under the influence of alcohol, and for driving a vehicle with three underage passengers who were intoxicated. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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

(Former AMN) (HGH SRA)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 Sep 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change of Reentry Code, Reason and Authority.

**2. BACKGROUND:**

a. DOB: 1 Oct 79. Enlmt Age: 19 4/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-48, E-55, G-53, M-30. PAFSC: 3P051 - Security Forces Journeyman. DAS: 7 Oct 99.

b. Prior Sv: (1) AFRes 25 Feb 99 - 4 May 99 (2 Mos 10 Days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enld as AB 5 May 99 for 6 yrs. Svd: 3 Yrs 4 Mos 12 Das, all AMS.

b. Grade Status: AMN - 5 AUG 02 (Article 15, 5 Aug 02)  
SRA - 18 OCT 01  
A1C - 18 JUN 99

c. Time Lost: None.

d. Art 15's: (1) 5 Aug 02, Fort Wainwright Army Post, Alaska - Article 107. You did, on or about 4 May 02, with intent to deceive, make to Sergeant -----, an official statement, to wit: when asked, "At any time did anyone take the weapon out of the trunk prior to the M.P.'s?" you responded, "No", or words to that effect, which statement was totally false, and was then known by you to be so false. Article 128. You did, at or near Fairbanks, Alaska, on or about 3 May 02 and on or about 4 May 02, unlawfully grab and shove ----- with your hands. Reduction to AMN, and a reprimand. (Appeal denied) (No mitigation)

e. Additional: LOR, 25 SEP 01 - Involved in a dispute while under the influence of alcohol.  
LOC, 05 FEB 01 - Failure to obey an order and dereliction to duty.  
TRAFFIC TICKET, 04 JAN 01 - Improper backing of vehicle resulting in a traffic accident.  
LOC, 04 JAN 01 - Failure to obey an order to obtain a government driver's license.  
TRAFFIC TICKET, 14 AUG 00 - Speeding.

LOC, 06 JAN 00 - Driving a vehicle with three underage passengers who were intoxicated.

f. CM: None.

g. Record of SV: 5 May 99 - 4 Jan 01 Eielson AFB 4 (Initial)  
5 Jan 01 - 4 Jan 02 Eielson AFB 5 (Annual)

(Discharged from Eielson AFB)

h. Awards & Decs: SAEMR, AFTR, NDSM, AFGCM, AEM.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (23) Das  
TAMS: (3) Yrs (4) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Oct 02.  
(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issue: I'm in the process of becoming a Deputy (sic) in Shreveport, LA. If I do not receive (sic) an upgrade, I would ask if you would please consider changing my reentry code as I could reenlist into another service. I think the Department of Defense has spent a large amount of money on my training. I do want to serve the United States Military. Thank you for your time.

**ATCH**

1. Performance Report.
2. Letter of Reference.

5Feb03/cr

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

FD 2002-0472



MEMORANDUM FOR Amr. [REDACTED], 354 SFS, PACAF

FROM: 354 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for these actions are as follows:

a. On or about 1 Jan 00, you were driving a vehicle with three passengers who were all intoxicated and underage. In addition, you were at an off base residence where you observed numerous underage persons consuming alcohol. You used poor judgment involving yourself in these situations and failing to report the underage drinking. For this infraction, you received a Letter of Counseling, dated 6 Jan 00 (Atch 1).

b. On or about 14 Aug 00, you were driving 47 miles per hour in a 25 mile-per-hour speed zone. For this infraction, you were issued a DD form 1408, dated 14 Aug 00 (Atch 2).

c. On or about 2 Jan 01, you failed to obtain your government-issued driver's license as required by your squadron commander by the suspense date of 31 Dec 00. For this infraction, you received a Letter of Counseling, dated 4 Jan 01 (Atch 3).

d. On or about 4 Jan 01, you caused a vehicle accident by backing up improperly with your vehicle. For this infraction, you received a DD Form 1408, dated 4 Jan 01 (Atch 4).

e. On or about 21 Jan 01 and 4 Feb 01, you failed to maintain the proper equipment as instructed to do so by your flight sergeant. For these infractions, you received a Letter of Counseling, dated 5 Feb 01 (Atch 5).

f. On or about 22 Sep 01, you were involved in a dispute while under the influence of alcohol. For this infraction, you received a Letter of Reprimand, dated 25 Sep 01 (Atch 6).

g. On or about 3 May 02 and 4 May 02, you unlawfully grabbed and shoved Clarissa Martinez with your hands. For this infraction, you received nonjudicial punishment, dated 5 Aug 02 (Atch 7).

h. On or about 4 May 02, you made a false statement to a senior noncommissioned officer. For this infraction, you received nonjudicial punishment, dated 5 Aug 02 (The same Atch 7 as noted in 2g), and on 26 Jun 02, your authority to bear government firearms was withdrawn (Atch 7.3).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 Capt. [REDACTED], Area Defense Counsel, Building 3112, Room 155, Eielson AFB, Alaska, on 22 Aug 02 at 0900. 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 by (3 duty days) 0730/27 Aug 02 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 to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the Physical Examination Section, 354th Medical Group, Building 3349, at 0745 on 22 Aug 02 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 orderly room.

[REDACTED]  
Maj, USAF  
Commander, 354 SFS

Attachments:

1. Ltr of Counseling, dated 6 Jan 00 (2 pgs)
2. DD Form 1408, dated 14 Aug 00 (2 pgs)
3. Ltr of Counseling, dated 4 Jan 01
4. DD Form 1408, dated 4 Jan 01 (2 pgs)
5. Ltr of Counseling, dated 5 Feb 01 (2 pgs)
6. Ltr of Reprimand, dated 25 Sep 01 (2 pgs)
7. AF Form 3070, dated 5 Aug 02 (4 pgs)
8. Cease and Desist Order, dated 24 May 00 (2 pgs)
9. No Contact Order, dated 8 May 02