

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN							
		SRA								
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	NO		X	NAME OF COUNSEL AND OR ORGANIZATION		
COUNSEL										
YES	NO									
	X									
			ADDRESS AND OR ORGANIZATION OF COUNSEL							
MEMBERS SITTING			VOTE OF THE BOARD							
			HON	GEN						
			UOTHC	OTHER						
				DENY						
				X						
				X						
				X						
				X						
				X						
ISSUES A93.19, A92.37, A94.53		INDEX NUMBER A67.10								
HEARING DATE 03-05-07		CASE NUMBER FD2002-0476								
		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								
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 Washington, D.C. Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.										
ENDORSEMENT			DATE: 03-05-07							
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

FD2002-0476

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

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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 the discharge, and change of reenlistment code are denied.

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

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had two Letters of Reprimand (LOR), a Record of Individual Counseling, a traffic ticket for speeding, and another memo for record documenting delinquency on his Deferred Payment Plan account. He had two Enlisted Performance Reports, one rated an overall referral "3." His misconduct included being late for work at least four times, sleeping on duty at least three times, once during an exercise, towing an excessive amount of aerospace ground equipment during an exercise, and being arrested by civilian law enforcement authorities for driving under the influence of alcohol with a blood alcohol content of at least .14. These infractions occurred over an 18-month period of time. Member was counseled by his unit several times in an effort to help him correct his deficiencies and had many opportunities to improve his behavior. He failed to respond to those rehabilitative efforts, so he was held accountable for his actions. Additionally, member had a history of mental health visits, hospitalization for suicidal ideation, and was diagnosed alcohol dependent. On a previous enlistment he had had at least two other alcohol-related incidents of misconduct and had been put on the Control Roster and into the Substance Abuse Rehabilitation Program as a result. There were also indications member had been on the Weight Management Program at one time. At the time of the discharge, applicant submitted a statement in his own behalf requesting an honorable discharge. The Board noted that when his misconduct occurred, member was the same age as other airmen who had adhered to the standards, and in spite of the unit's efforts to help member correct his deficiencies, he was not motivated enough to conform to standards and his misconduct continued. No inequity or impropriety was found in this discharge in the course of the records review.

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

[REDACTED]
[REDACTED]
(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 Jun 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 1 Feb 76. Enlmt Age: 18 4/12. Disch Age: 24 4/12. Educ: HS DIPL. AFQT: N/A. A-54, E-57, G-52, M-55. PAFSC: 2A652 - Aerospace Ground Equipment. DAS: 11 Mar 95.

b. Prior Sv: (1) AFRes 28 Jun 94 - 17 Aug 94 (1 Month 21 Days) (Inactive).

(2) Enld as AB 18 Aug 94 for 4 yrs. Svd: 3 Yrs 9 Mos 1 Das, all AMS. AMN - 18 FEB 95. A1C - 18 DEC 95. SRA - 18 AUG 97. EPRs: 4,5,4.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 18 May 98 for 4 yrs. Svd: 2 Yrs 1 Mo 5 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 12 MAY 00 - Sleeping during exercise.
RIC, 12 APR 00 - Late for work.
MEMO, 9 JUL 99 - Delinquent DPP account.
LOR, 13 JAN 99 - Arrested for DUI.
TRAFFIC TICKET, 16 NOV 98 - Speeding.

f. CM: None.

g. Record of SV: 18 Apr 98 - 17 Apr 99 Mountain Home AFB 3 (Annual) REF
18 Apr 99 - 31 Mar 00 Mountain Home AFB 4 (CRO)

(Discharged from Mountain Home AFB)

h. Awards & Decs: AFLSA, AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (5) Yrs (11) Mos (25) Das
TAMS: (5) Yrs (10) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jun 02.

(Upgrade Discharge to Honorable, and Change Reentry Code, Reason and Authority)

Issue: I would like to enlist into the Air National Guard, I'm unable to do so with current discharge status.

ATCH

1. Nominations, Awards and Certificates.
2. Employment Evaluations and Certificates.
3. Resume.
4. Congressional Inquiry.
5. Completion of ADAPT Program.

7Feb03/cr



FD2002-0476

DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 366TH WING (ACC)
366 GUNFIGHTER AVE, STE 432
MOUNTAIN HOME AFB, IDAHO 83648-5299

Handwritten signature and date: 7 Jun 00

MEMORANDUM FOR [REDACTED]

FROM: 366 EMS/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 AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service can be characterized as honorable, general, or under other than honorable conditions (UOTHC). I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 1 May 00, you were derelict in the performance of your duties when you were observed sleeping during SHARPSHOOTER 00-02 exercise. You failed to respond to the alarms being generated and failed to put on your proper protective gear. This resulted in you receiving a "dumb kill". As a result, you received a Letter of Reprimand (LOR) on 12 May 00. (Tab 1, Atch 1).

b. On or about 12 Apr 00, you failed to go to your appointed place of duty at your scheduled time. This was the second failure to go in a 2 week period. As a result, you received a Letter of Counseling (LOC) on 12 Apr 00. (Tab 1, Atch 2).

c. On or about 2 Jun 99 your First Sergeant received a notice from the Army Air Force Exchange Service (AAFES) stating the your Deferred Payment Plan (DPP) was delinquent in the amount of \$30.00. As a result, you received a counseling memorandum from your First Sergeant on 9 Jul 99. (Tab 1, Atch 3).

d. On or about 9 Jan 99, you were arrested by Owyhee County Sheriff's Deputy for driving under the influence of alcohol in Grandview, Idaho. As a result, you received a LOR on 13 Jan 99. (Tab 1, Atch 4).

e. On or about 16 Nov 98, you received a Incident/Traffic Report memorandum from your First Sergeant for receiving a speeding citation on 30 Oct 98. This memorandum also informed you that you had four points on your driving record. (Tab 1, Atch 5).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court Martial Jurisdiction will decide whether you will be discharged or retained in the Air Force. If you are discharged, he will also determine how your service will be characterized. If 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 made an appointment for you to consult with the Area Defense Counsel on 9 Jun 00 at 0930 hours in building 512. The number is 828-2675. 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 the date of this memorandum unless you request and receive an extension for good cause shown. I will forward 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 at the hospital on Mountain Home AFB. Your scheduled medical examination is on 13 Jun 00 at 0900 hours. You must be in uniform. If you wear glasses, wear them to the scheduled 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 at the Area Defense Counsel's office or your squadron orderly room.
9. You will surrender your ID card to me immediately. Proceed with a copy this letter to the Military Personnel Flight, Customer Service, Building 512, Mountain Home AFB no later than _____ where you will be issued a temporary ID card valid for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.
10. A copy of this letter also authorizes you to proceed to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than _____ where you will turn in your Mountain Home AFB vehicle sticker and your USAF vehicle decal. They will issue a temporary permit good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle decal will be issued to you until the case is finalized.

11. Finally, proceed with a copy of this letter to the Traffic Management Office (TMO), in Building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.



Commander, 366th Equipment Maintenance Squadron

5 Attachments:

1. LOR, 12 May 00
2. LOC, 12 Apr 00
3. Memo, 9 Jul 99
4. LOR, 13 Jan 99
5. Incident/Traffic Report Memo, 16 Nov 98