

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>SRA</b>	AFSN/SSAN <b>[REDACTED]</b>			
TYPE	<b>X PERSONAL APPEARANCE</b>		<b>RECORD REVIEW</b>			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	<b>X</b>					
<b>MEMBERS SITTING</b>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	FOHC	OTHER	DENY
						<b>X</b>
		<b>X</b>				
						<b>X</b>
		<b>X</b>				<b>X</b>
ISSUES <b>A93.01, A94.05</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			
			COUNSEL'S RELEASE TO THE BOARD			
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
HEARING DATE <b>30 JAN 03</b>		CASE NUMBER <b>FD2002-0495</b>		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 Andrews AFB, MD</b>  <b>Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR</b>						
SIGNATURE OF REFI NUMBER		SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT				DATE: <b>14 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. 1E WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0495

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD on May 14, 2003.

**FINDINGS:** Upgrade of discharge is denied.

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

**ISSUES:** The applicant's issues are listed in the attached brief. The applicant contends his discharge was inequitable because it was too harsh, he was immature, and the Air Force did not properly treat his alcohol problem. The applicant was discharged with a general (under honorable conditions) discharge for minor disciplinary infractions after 3 years, 6 months and 9 days of service. The member received three Letters of Reprimand for being drunk and disorderly, for a civilian arrest for driving while intoxicated (DWI) and driving without insurance, and for reporting to work without shaving. He received two Articles 15, one for drinking under age (the same incident as the DWI) and disobeying a lawful order by wrongfully driving on base while his base driving privileges were revoked, the latter offense triggering discharge action.

Evidence from testimony indicates that the applicant was properly entered into the base alcohol abuse and prevention program with his initial Letter of Reprimand for an alcohol-related incident. Following his DWI arrest, he was again entered into the base alcohol treatment program and testified that he refrained from drinking alcohol after that time. Despite this positive response to disciplinary and rehabilitative efforts, the applicant chose to disobey his commander's order revoking his base privileges to drive on base. At the time of this last offense, the applicant had been in the Air Force for over three years and could no longer be considered ignorant of military rules and customs. As to the applicant's contention that somehow the AF failed to prepare him for his reassignment to Wyoming, the DRB noted that other airmen less than 21 years of age had made the adjustment of assignment, either from overseas or other stateside bases, where the legal drinking age was 18, to bases in Wyoming and other states which imposed the higher drinking age of 21. These airmen were able to successfully make the transition through self-discipline, refraining from the urge of their previous alcohol privileges, without committing alcohol-related disciplinary infractions. The DRB also opined from the applicant's testimony that his drinking habits were attributed to a social dependence rather than a physical dependence on alcohol, as evidenced by his change in lifestyle and social associations following treatment. The DRB noted the applicant's record of very good duty performance reflected in performance reports; however, the seriousness of the willful misconduct was a significant departure from conduct expected of all military members.

**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)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 1 Mar 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 2 Aug 74. Enlmt Age: 17 9/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-76, E-77, G-90, M-58. PAFSC: 4Y031 - Dental Assistant Apprentice. DAS: 7 Jan 95.

b. Prior Sv: (1) AFRes 21 May 92 - 20 Aug 92 (3 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Aug 92 for 4 yrs. Svd: 3 Yrs 6 Mos 9 Das, all AMS.

b. Grade Status: A1C - 13 Feb 96 (Article 15, 13 Feb 96)  
SRA - 2 Sep 95  
A1C - (EPR Indicates): 21 Aug 92 - 20 Apr 94  
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 13 Feb 96, F.E. Warren AFB, WY - Article 92. You, having knowledge of a lawful order issued by Lt Col ---- -- to not operate your vehicle on base while your installation driving privileges were revoked, an order which it was your duty to obey, did, between on or about 1 Oct 95 and on or about 15 Dec 95, fail to obey the same, by wrongfully driving a motor vehicle. Reduction to A1C, forfeiture of \$250.00 pay per month for 2 months, and 30 days restriction. (Appeal/Denied) (No mitigation)

(2) 3 Mar 95, F.E. Warren AFB, WY - Article 134. You, did, on or about 10 Feb 95, violate a lawful general regulation, to wit: AFR 215-7, para 1-4(a), dated 27 Sep 91, by wrongfully consuming alcohol while under the age of twenty-one (21). Suspended reduction to Amn, 15 days restriction, and 22 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 27 NOV 95 - Reporting to work without properly shaving.

LOR, 13 FEB 95 - Arrested for driving without insurance and suspected of driving under the influence of alcohol.

LOR, 20 MAY 94 - Intoxicated and observed throwing a beer bottle from the second floor of the dormitory.

f. CM: None.

g. Record of SV: 21 Aug 92 - 20 Apr 94 Aviano AB 4 (Intial)  
21 Apr 94 - 20 Nov 94 Aviano AB 4 (CRO)  
21 Nov 94 - 20 Nov 95 F.E. Warren AFB 3 (Annual)

(Discharged from F.E. Warren AFB)

h. Awards & Decs: AFAM, AFTR, SAEMR, AFOUA 2/1 DEV, AFGCM, NDSM.

i. Stmt of Sv: TMS: (3) Yrs (9) Mos (9) Das  
TAMS: (3) Yrs (6) Mos (9) Das

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

Issue 1: I believe my discharge was improper based on the following reasons. My discharge was due to alcohol related incidents. These were a direct effect of the Air Force allowing me to drink at the age of 18 when I was not mature enough to realize the responsibilities drinking entails. After developing a drinking problem, I was transferred to Wyoming where all drinking privileges were terminated. My pre-existing condition was not addressed at this time, and I was given no formal treatment options. My punishment for underage drinking in WY was severe and was the main reason for my discharge. Furthermore, my final punishable act was for disobeying a direct order not to drive my vehicle on base. I drove on base to keep others from driving while intoxicated. I committed this act for benevolent reasons, and felt that the subsequent penalty of discharge was unwarranted.

**ATCH**  
None.

18FEB03/ia

FD2002-0495



DEPARTMENT OF THE AIR FORCE  
90TH MISSILE WING (AFSPACECOM)

22 FEB 96

MEMORANDUM FOR [REDACTED]

FROM: 90 DS/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, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You did, between on or about 1 Oct 95 to on or about 15 Dec 95, having knowledge of a lawful order issued by Lt Col [REDACTED] to not operate your vehicle on base while your installation driving privileges were revoked, fail to obey by wrongfully driving a vehicle on base. You received Article 15 punishment on 13 Feb 96.

b. You did, on or about 27 Nov 95, report for work without properly shaving in accordance with AFI 36-2903, Dress and Personal Appearance of Air Force Personnel. You received a Letter of Reprimand (LOR) on 27 Nov 95.

c. You did, on or about 10 Feb 95, wrongfully consume alcohol while under the age of twenty-one. You received Article 15 punishment on 3 Mar 95.

d. You were, on or about 10 Feb 95, arrested and charged with driving without insurance and suspicion of driving under the influence of alcohol. You received an LOR on 13 Feb 95.

e. You were, on or about 9 Apr 94, intoxicated and observed throwing a beer bottle from the second floor of a dormitory. When approached by security police officers, you became belligerent and disrespectful. You had an Unfavorable Information File (UIF) established on 26 May 94 and received an LOR on 20 May 94.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special courts-martial 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.

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] of the Area Defense Counsel's Office, Bldg 292, ext 3248, on 23 FEB 96 at 0900 hrs. You may consult civilian counsel at your own expense.
5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification memorandum, that date being 27 FEB 96, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.
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 F. E. Warren Hospital physical exams section at 0700 hrs on 26 Feb 96.
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 squadron orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED] USAF  
Commander

Attachments:

1. AF Form 3070 w/Atch, dtd 13 Feb 96
2. LOR, dtd 27 Nov 95
3. AF Form 3070 w/Atch, dtd 3 Mar 95
4. LOR, dtd 13 Feb 95
5. AF Form 1058 w/Atch, dtd 26 May 94