

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A94.53, A93.19, A92.37	<b>INDEX NUMBER</b> A67.10	<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	
<b>HEARING DATE</b> 12 JUN 03	<b>CASE NUMBER</b> FD2002-0496			

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCLOSED 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.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
<b>INDORSEMENT</b>	<b>DATE: 12 JUN 03</b>

<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

FD2002-0496

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

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 is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for minor disciplinary infractions. He had two Records of Individual Counseling, a Letter of Reprimand, and two Articles 15. His misconduct included failure to go, failure to obey a lawful order, failure to render proper courtesy to a superior commissioned officer, failure to render proper courtesy during retreat, drunk driving, being drunk duty, and coming to work unshaven. The record reflects member was enrolled in the alcohol rehabilitation program after his first alcohol-related incident and was diagnosed an alcohol abuser. After his second incident he was re-enrolled and his diagnosis was changed to alcohol dependent. At the time of the discharge, member waived his right to consult counsel or submit a statement in his own behalf. The Board noted that member was the same age as other airmen who adhere to the standards when his misconduct occurred, and he knew right from wrong. He was counseled repeatedly in an effort to help him correct his deficiencies. He was mature and responsible for his actions, and therefore was held accountable for them. Although he was given several opportunities to improve his behavior, he failed to respond to those rehabilitative efforts. 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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Feb 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Jul 80. Enlmt Age: 19 7/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-59, E-39, G-44, M-30. PAFSC: 3P031 - Security Forces Apprentice. DAS: 3 Sep 00.

b. Prior Sv: (1) AFRes 29 Feb 00 - 28 Mar 00 (1 month) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Mar 00 for 6 yrs. Svd: 1 Yr 10 Mo 26 Das, all AMS.

b. Grade Status: AB - 26 Nov 01 (Article 15, 26 Nov 01)  
 AMN - 19 Jun 01 (Article 15, 19 Jun 01)  
 A1C - 15 May 00

c. Time Lost: None.

d. Art 15's: (1) 26 Nov 01, Spangdahlem AB, Germany - Article 112. You were, on or about 6 Nov 01, found drunk while on duty as a sentinel at Binsfeld Gate. Reduction to AB. (No appeal) (No mitigation)

(2) 19 Jun 01, Spangdahlem AB, Germany - Article 111. You did, on or about 3 Jun 01, physically control a vehicle, to wit: a passenger car, while drunk. Reduction to Amn, and 7 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 06 AUG 01 - Failure to obey a lawful order and failure to render appropriate customs and courtesies to a senior commissioned officer and at retreat.

RIC, 23 JUL 01 - Failure to maintain dress and appearance standard by reporting to work unshaved.

RIC, 04 JUL 01 - Failed to attend appointment.

f. CM: None.

g. Record of SV: None.

(Discharged from Travis AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (25) Das  
TAMS: (1) Yrs (10) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Nov 02.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**  
None.

19FEB03/ia



DEPARTMENT OF THE AIR FORCE  
52D FIGHTER WING (USAFE)

FD 2002-0716  
JAN 25 2002

MEMORANDUM FOR [REDACTED]

FROM: 52 SFS/CC

SUBJECT: Notification Letter

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 for discharge is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).
2. My reasons for this action are:
  - a. On or about 3 Jun 01, you physically controlled a vehicle with a passenger in the car while drunk. For this infraction, you received Article 15 Nonjudicial Punishment on 19 Jun 01. Your punishment included reduction to the grade of E-2 (Airman), with a new date of rank of 19 Jun 01, and 7 days extra duty. (Atch 1)
  - b. On 3 Jul 01, you failed to attend an ADAPT appointment. For this infraction, you received a Record of Individual Counseling (RIC) on 4 Jul 01. (Atch 2)
  - c. On 23 Jul 01, you failed to maintain the dress and appearance standard. You reported to work unshaved. For this infraction, you received another RIC on 23 Jul 01. (Atch 3)
  - d. On 19 Jul 01, you failed to obey a lawful order to properly check IDs at the main entrance during Force Protection Level Charlie exercise for the Operational Readiness Inspection. You also failed to render appropriate customs and courtesies to a senior commissioned officer and at retreat. For this infraction, your received a Letter of Reprimand (LOR) on 6 Aug 01. (Atch 4)
  - e. On or about 6 Nov 01, you were drunk while on duty as a sentinel at Binsfeld Gate. For this infraction, you received another Article 15 Nonjudicial Punishment on 26 Nov 01. Your punishment included reduction to the grade of E-1 (Airman Basic), with a new date of rank of 26 Nov 01. (Atch 5)
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 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 re-enlistment 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 with [REDACTED], Spangdahlem AB, Germany, DSN 452-6607, on TBD at TBD hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three duty days, unless you request and receive an extension in writing for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf within the time period prescribed, it will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the 52d Medical Group, PHYSICAL EXAMS ELEMENT on TBD at TBD hours. An appointment has also been made at FAMILY PRACTICE on TBD at TBD hours.

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 Commander's Support Staff office.

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

[REDACTED]

[REDACTED], Lt Col, USAF  
Commander

Attachments:

1. AF Form 3070, 19 Jun 01
2. RIC, 4 Jul 01
3. RIC, 23 Jul 01
4. LOR, 6 Aug 01
5. AF Form 3070, 26 Nov 01
6. Airman's Receipt of Notification Letter, located at Tab 2