

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

A1C

TYPE
GEN

PERSONAL APPEARANCE

X RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

NO

X

MEMBERS SITTING

NOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES

A92.35, A93.01, A92.37

INDEX NUMBER

A67.10

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

HEARING DATE

12 JUN 03

CASE NUMBER

FD2002-0500

APPLICANT'S ISSUES 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.

SIGNATURE OF REG

SIGNATURE OF BOARD PRESIDENT

ENDORSEMENT

DATE: 12 JUN 03

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, 3RD FLOOR
ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0500

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 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 minor disciplinary infractions. He had two Articles 15 for alcohol-related incidents in a two and a half year period. His misconduct included drunk driving, drunk and disorderly, and assaulting a female airman. At the time of the discharge, after consulting counsel, member submitted a brief statement acknowledging the discharge action. Applicant now states he realizes he was wrong and has learned from his mistakes, but also points out his satisfactory duty performance and desire to serve his country again. The Board noted that member was age 22 and 25 when his offenses occurred, the same age as other airmen who adhere to standards. He was counseled and sent for substance abuse awareness training and counseling in an effort to help him correct his deficiencies. In spite of those rehabilitative efforts, he had a second serious alcohol-related incident. The Board concluded he was mature, he knew right from wrong, and was responsible for his actions, and therefore was held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

While the Board commends applicant on this desire his desire to return to government service, and is sympathetic to the impact a General discharge has on his federal employment opportunities, this is not a matter of equity or propriety that warrants an upgrade.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 May 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Feb 75. Enlmt Age: 20 8/12. Disch Age: 25 3/12. Educ: HS DIPL. AFQT: N/A. A-99, E-77, G-92, M-41. PAFSC: 1N354B - Far East Cryptographic Linguist. DAS: 6 Sep 97.

b. Prior Sv: (1) AFRes 23 Oct 95 - 02 Jan 96 (2 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Jan 96 for 6 yrs. Svd: 4 Yrs 4 Mos 21 Das, all AMS.

b. Grade Status: A1C - 13 Mar 00 (Article 15, 13 Mar 00)
SRA - (EPR Indicates): 2 Feb 98 - 1 Feb 99
A1C - 17 Feb 96

c. Time Lost: None.

d. Art 15's: (1) 13 Mar 00, Ft Derussy, HI - Article 111. You, did, on or about 7 Feb 00, near the Guard Gate, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your blood was 0.22 grams of alcohol per 100 milliliters of blood or greater, as shown by chemical analysis. Reduction to A1C, and a reprimand. (No appeal) (No mitigation)

(2) 16 Oct 97, Hickam AFB, HI - Article 128. You, did, on or about 18 Sep 97, assault A1C ----- by hitting her with an open hand on the right side of her face. Article 134. You, were, on or about 18 Sep 97, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. Suspended reduction to AB, and forfeiture of \$250 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 3 Jan 96 - 1 Feb 98 Hickam AFB 4 (Initial)
2 Feb 98 - 1 Feb 99 Hickam AFB 4 (Annual)

2 Feb 99 - 1 Mar 00 Hickam AFB 2 (HAF Dir)REF

(Discharged from Hickam AFB)

h. Awards & Decs: AFOSLTR, AFLSAR, AFTR.

i. Stmt of Sv: TMS: (4) Yrs (7) Mos (1) Das
TAMS: (4) Yrs (4) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Sep 02
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on two incidents in 53 months of service with no other adverse action.

Issue 2: I am applying for a discharge upgrade (from General Under Honorable Conditions to Honorable). I know that my service in the Air Force can be characterized poorly by the 2 Article 15's (sic) that I received during my enlistment. I know in each of these situation (sic) I was wrong, a poor representative of my Country, the Air Force, my squadron, my family and myself. I learned how to accept responsibility for my action from these events, and continue to grow from my mistakes to this day.

I am seeking an upgrade because although off-duty I sometimes exhibited poor decision making, on-duty I was a super star Airman. I received high DLPT scores in Vietnamese, was constantly selected to be in charge of my fellow linguists, or to learn a new job task or position. I constantly demonstrated my willingness to attack my career with vigilance and determination. I would like to earn an honorable discharge because I would like to serve my country further someday, and I think this General discharge could have a negative impact on me working for my country. I might be hindered in pursuing a government job, or a position as an office with this type of discharge. I proved time and time again I was a valuable Airman, and would continue to prove this, if my discharge were upgraded to allow further contributions to this great Nation of Ours. I am a patriot, and by me being allowed an upgrade I would further serve my nation in any way seen fit. Thank you for reading and processing my statement. I eagerly await your decision.

ATCH

1. Applicant's Issues.
2. Two Letters of Recommendation.

20FEB03/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

1 May 00

MEMORANDUM FOR [REDACTED]

FROM: 324 IS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically, 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 will be characterized as Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 18 Sep 97, you assaulted a female member by hitting her with an open hand on the right side of her face. You were also drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces. For these offenses, you received an Article 15, dated 16 Oct 97 and an Unfavorable Information File (UIF) was established.


b. On 7 Feb 00, you physically controlled a vehicle while impaired by alcohol. For this offense, you received an Article 15, dated 13 Mar 00, a UIF was established and your AF Good Conduct Medal start date was adjusted to 8 Feb 00.

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 will probably be denied enlistment in any component of the Armed Forces and any special pay, bonus or education assistance.

3. You have the right to consult counsel. Military legal counsel, [REDACTED], Area Defense Counsel, Building 1113, 449-2149, has been obtained to assist you. An appointment has been scheduled for you to consult him on 2 May 00 at 0800 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 4 May 00 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.
6. You have been scheduled for a medical examination. You will report to Physical Exams at the 15th Medical Group on **3 May 00** at **1300** hours for the examination.
7. It is **mandatory** that you contact Separations, located in the Military Personnel Flight, at 449-2276, ext. 149 or 141, **within 24 hours** of receipt of this letter to set up an initial separations appointment. You are **required** to report to this appointment **in uniform**.
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 through your Commander's Support Staff.
9. Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Commander, 324th Intelligence Squadron

Attachments:

1. Article 15, dated 16 Oct 97
2. Article 15, dated 13 Mar 00
3. UIF, dated 20 Mar 00
4. Adjustment of AF Good Conduct Medal, dated 8 Mar 00