

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]			
TYPE PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL YES NO X		NAME OF COUNSEL AND OR ORGANIZATION				
		ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.05		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
				1	ORDER APPOINTING THE BOARD	
				2	APPLICATION FOR REVIEW OF DISCHARGE	
				3	LETTER OF NOTIFICATION	
HEARING DATE 9 MAY 03		CASE NUMBER FD2002-0514		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 RATIONAL 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 RECORDER			SIGNATURE OF BOARD PRESIDENT, _____			
INDORSEMENT				DATE: 9 MAY 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

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

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

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, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

ISSUE: The applicant does not contest the discharge. He states that his conduct while in the Air Force was acceptable, that he excelled at his job and in his squadron, and that he would like to join the San Antonio Police Department. The record indicates the applicant received three Article 15s for Driving while intoxicated, and for twice willfully disobeying a lawful "no contact" order to not have any physical, verbal, or written contact with MS LW. The Board concluded the misconduct of the applicant appropriately characterized his term of service. No inequity or impropriety in his discharge was suggested or found in the course of the records review. His misconduct was a significant departure from conduct expected of all military members. The Board concluded that the character and reason for discharge were appropriate due to his misconduct.

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 or change the reason for 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 30 Jan 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 12 Jan 79. Enlmt Age: 18 8/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-74, E-74, G-78, M-58. PAFSC: 2A553A - Bomber Avionics Systems. DAS: 4 Jan 99.

b. Prior Sv: (1) AFRes 30 Sep 97 - 17 Mar 98 (5 Mos 16 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 18 Mar 98 for 4 yrs. Svd: 3 Yrs 10 Mos 13 Das, all AMS.

b. Grade Status: AB - 26 Dec 01 (Article 15, 26 Dec 01)
AMN - 28 Aug 01 (Article 15, 28 Aug 01)
A1C - 18 Jul 99
AMN - 18 Sep 98

c. Time Lost: None.

d. Art 15's: (1) 26 Dec 01, Barksdale AFB, LA - Article 91. You, having received a lawful order from MSgt -----, a senior NCO, then known by you to be a senior NCO, to not have any physical, verbal, or written contact with -----, or words to that effect, an order which it was your duty to obey, did on one or more occasions, between on or about 1 Sep 01 and on or about 16 Oct 01, willfully disobey the same. Reduction to AB, and a reprimand. (No appeal) (No mitigation)

(2) 28 Aug 01, Barksdale AFB, LA - Article 91. You, having received a lawful order from MSgt -----, a senior NCO, then known by you to be a senior NCO, to not have any physical, verbal, or written contact with -----, or words to that effect, did, on or about 5 Aug 01, willfully disobey the same. Reduction to AMN, and a reprimand. (No appeal) (No mitigation)

(3) 21 Mar 01, Barksdale AFB, LA - Article 111. You did, on or about 18 Feb 01, near the Shreveport gate, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was 0.10

grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Suspended reduction to AMN, forfeiture of \$250.00 pay per month for 2 months, 45 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 18 Mar 98 - 17 Nov 99 Barksdale AFB 5 (Initial)
 18 Nov 99 - 17 Nov 00 Barksdale AFB 5 (Annual)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (4) Yrs (4) Mos (1) Das
 TAMS: (3) Yrs (10) Mos (13) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Nov 02.
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

ATCH

1. Applicant's Issues.
2. Letter of Appreciation.
3. Certificate of Appreciation.
4. Letter of Appreciation.
5. Airman of the Month.
6. Letter of Appreciation.
7. Letter of Thanks.
8. DD Form 214.

24Feb03/cr

FD2002-0514



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA

MEMORANDUM FOR AB [REDACTED]

FROM: 20 BS/CC

SUBJECT: Notification Letter – Administrative Discharge

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, para 5.49. If my recommendation is approved, your service may be characterized as under honorable conditions (general).
2. My reason for this action is as follows:
 - a. Between 1 Sep 01 and 16 Oct 01, you disobeyed a direct order from a senior noncommissioned officer, as evidenced by an Article 15, (Tab A&B);
 - b. On 5 Aug 01, you disobeyed a direct order from a senior noncommissioned officer, as evidenced by an Article 15, (Tab A&B) and;
 - c. On 18 Feb 01, you drove while under the influence, as evidenced by an Article 15, (Tab C).
3. Copies of the document(s) referenced above have been attached and will be forwarded to the separation authority in support of this recommendation. 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 reenlistment in the Air Force.
4. You have the right to consult counsel. Military legal counsel, [REDACTED] Area Defense Counsel (ADC) for Barksdale AFB, Extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for you to consult with the ADC on 14 Jan 02 at 1100 hrs. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me within three (3) duty days, unless you request and receive an extension for good cause. I will send any statements that you provide to the separation authority.
6. If you fail to consult counsel or fail to submit statements in your behalf, you will waive the right to do so.

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7. You have been scheduled for a medical examination. You must report to Flight Medicine with your medical records for the appointment. Your appointment is on 16 JAN 02 at 0750 hrs. (Family Practice) (Flight Medicine) 15 JAN 02 @ 0700 hrs
8. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at 0830 on 17 JAN 02 for the briefing.
9. Any personal information that you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 35-3208, the AFI governing this case, is available for your use in your unit Orderly Room.
10. Execute the attached acknowledgement and return it to me immediately.



Attachments:

1. Acknowledgment/Receipt of Notification of Memorandum
2. Supporting Document (Tab A-C)

18 November 2002

To Whom It May Concern:

I am writing to you, with the hopes of getting my discharge upgraded. I am also submitting the following information for your consideration.

In my tour in the Air Force, I excelled at my job, and in my squadron. When it came to extra curricular activities, I was a part of our squadron football and volleyball teams. When it came to Airman of the month boards, I won our squadron boards twice, our squadron Airman of the quarter board once, and was nominated for Airman of the year once. All of which was in my first year there at Barksdale. I received numerous awards, such as a letter of appreciation for helping out with our squadron self help team, saving the Air Force \$12,000.

I am also trying to join the San Antonio Police Department, and they will not accept anyone with anything other than an honorable discharge. I've wanted to join since I was young. Therefore, I am asking you, again, to consider the upgrade.

Sincerely,

