

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
[REDACTED]	AB	[REDACTED]

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES		
NO		
	X	

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

ISSUES A94.05	INDEX NUMBER A67.90	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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT	DATE: 1 MAY 03
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0516

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.

ISSUE: Applicant contends that his discharge was too harsh because on his discharge notification memorandum it states that on 16 Dec 01 he was arrested for an underage drinking charge which he says is not true. The applicant's issue is without merit. The record clearly shows that on 16 Dec 01, he was taken into custody by Security Forces for a minor in possession while being drunk and disorderly, resisting arrest and threatening the arresting patrolman. In addition, he spoke disrespectfully to his First Sergeant, and disobeyed his orders when he came to meet him at the law enforcement desk. The record also indicates the applicant received an Article 15 for willfully failing to refrain from drinking alcoholic beverages while under the age of 21 years and for willfully damaging a government vehicle by maliciously ripping and pulling the interior. In addition, he received five Letter's of Reprimand for underage drinking; making a false official statement; being drunk and disorderly, resisting arrest, threatening the arresting patrolman, being disrespectful to the First Sergeant, and disobeying his orders; receiving a traffic ticket for having a forged/altered registration, allowing two individuals to drive a car with expired registration, hindering an investigation, and dishonesty; and for being apprehended for a minor in possession of alcohol. Finally, he received a Record of Individual Counseling for failure to go to a substance abuse awareness seminar. The Board concluded the applicant's misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate. The Board found no evidence of any inequity or impropriety on which to base a decision to upgrade the discharge.

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

MISSING MEDICAL RECORDS

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 15 Aug 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 Sep 82. Enlmt Age: 18 4/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-57, E-61, G-52, M-52. PAFSC: 3E231 - Pavements and Construction Equipment Apprentice. DAS: 30 Aug 01.

b. Prior Sv: (1) AFRes 16 Feb 01 - 20 Feb 01 (5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 21 Feb 01 for 6 yrs. Svd: 1 Yrs 5 Mo 26 Das, all AMS.

b. Grade Status: AB - 14 Jan 02 (Article 15, 14 Jan 02)

c. Time Lost: None.

d. Art 15's: (1) 14 Jan 02, Malmstrom AFB, MT - Article 92. You, who knew or should have known of your duties, on or about 9 Dec 01, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of 21 years, as it was your duty to do. Article 108. You did, on or about 9 Dec 01, without authority, willfully damage by maliciously ripping and pulling the interior of a government vehicle, a value of about \$15,000.00, military property of the United States, the amount of said damage being in the sum of about \$567.96. Reduction to the grade of AB, 30 days restriction. (No appeal) (No mitigation)

e. Additional: LOR, 02 MAY 02 - Underage drinking.

LOR, 15 FEB 02 - Making a false official statement.

LOR, 15 FEB 02 - Drunk and disorderly, resisting arrest, threatening the arresting patrolman, disrespect to the First Sergeant, and disobeying his orders.

LOR, 13 DEC 01 - Traffic ticket for having a forged/altered registration, allowing two individuals to drive a car with expired registration,

hindering investigation, and dishonesty.
RIC, 07 NOV 01 - Failure to go.
LOR, 17 OCT 01 - Apprehended for minor in possession.

f. CM: None.

g. Record of SV: None.

(Discharged from Malmstrom AFB)

h. Awards & Decs: AFTR, CEBB.

i. Stmt of Sv: TMS: (1) Yr (6) Mos (1) Das
TAMS: (1) Yr (5) Mos (26) Das

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

Issue 1: I was not given a proper discharge because on my discharge notification memorandum #2 item e it says on 16 Dec 01 I was arrested for an underage drinking charge when I hadn't. It is incorrect. My commander sent that to base legal and to the base commander so it made me look like I had gotten into more trouble than I had.

ATCH

1. DD Form 149.
2. Letter of Reprimand, 15 Feb 02.
3. Notification Memorandum.
4. DD Form 629.
5. AF Form 3545.

25FEB03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST SPACE WING (AFSPC)

FD 2002-0516

29 JUL 2002

MEMORANDUM FOR 819 RHS (ATTN: [REDACTED])

FROM: 819 RHS/CCE

SUBJECT: Notification Memorandum

1. Pursuant to AFD 36-32 and AFI 36-3208, paragraph 5.50.2, [REDACTED] is recommending your discharge from the United States Air Force for a pattern of misconduct (conduct prejudicial to good order and discipline). If his recommendation is approved, your service will be characterized as either honorable or general. He is recommending a general discharge.

2. [REDACTED] reasons for this action are:

a. On 28 Sep 01, you were apprehended for minor in possession. For this misconduct, you received a Letter of Reprimand (LOR) dated 17 Oct 01. An unfavorable information file (UIF) was established.

b. On 5 Nov 01, you failed to attend a scheduled substance abuse awareness seminar. For this misconduct, you received a Record of Individual Counseling (RIC) dated 7 Nov 01. This document was filed in your UIF.

c. On 14 Nov 01, you were cited by Security Forces for having a forged/altered registration displayed in your car. In addition, you allowed two other individuals to drive your car knowing the registration was expired. Further, you hindered the investigation by not being completely honest about who was responsible for placing the altered/forged registration in the window of your car. For this misconduct, you received an LOR dated 13 Dec 01. This document was filed in your UIF and you were placed on the Control Roster.

d. On or about 9 Dec 01, you were derelict in your duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of 21 years. Further, on or about 9 Dec 01, you did, without proper authority, willfully damage by maliciously ripping and pulling the interior of a government vehicle, the amount of said damage being in the sum of about \$567.96. For this misconduct, you received an Article 15, dated 14 Jan 02 with the following punishment: reduction to the grade of airman basic and restriction to Malmstrom AFB, MT for 30 days. This document was filed in your UIF.

e. On 16 Dec 01, you were taken into custody by Security Forces for minor in possession while being drunk and disorderly, resisting arrest and threatening the arresting patrolman. In addition, you spoke disrespectfully to your First Sergeant, and disobeyed his orders when he came to meet you at the law enforcement desk. For this misconduct, you received an LOR dated 15 Feb 02. This document was filed in your UIF.

f. On 28 Jan 02, you completed an official statement, which was found to be false, for a report of survey in reference to the damage you did to a government vehicle. Statements made later to your First Sergeant were contradictory to the official statement you made in the report of survey. For this misconduct, you received an LOR dated 15 Feb 02. This document was filed in your UIF.

g. On 12 Apr 02, you willfully failed to refrain from consuming alcoholic beverages while under 21 years of age and was apprehended by the Great Falls Police department. For this misconduct, you received an LOR dated 2 May 02. This document was filed in your UIF.

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 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 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 to consult the Area Defense Counsel, x4723, 7015 Goddard Drive, Bldg 145, Room 144 on 30 Jul 02 at 0800. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. You have 3 duty days from the date of this letter (COB 1 Aug 02), to provide me with any statements you want the separation authority to consider. You may request and receive an extension for good cause shown. I will send all submitted statements 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 must receive a medical examination. You are scheduled for a medical examination at the 341st Medical Group Physical Examination Section, x4453, on 3 Jul 02 at 0730 hours. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

8. Any personal information you provide in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use at your orderly room.

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

Attachments:

1. Supporting documents:
 - a. UIF Summary
 - b. LOR dated 17 Oct 01 w/ UIF
 - c. RIC dated 7 Nov 01 w/ UIF
 - d. LOR dated 13 Dec 01 w/ UIF and Control Roster
 - e. Article 15 dated 14 Jan 02 w/ UIF
 - f. LOR dated 15 Feb 02 w/ UIF
 - g. LOR dated 15 Feb 02 w/ UIF
 - h. LOR dated 2 May 02 w/ UIF
 - i. Documents in Attachment 6
2. Airman's Receipt of Notification Memorandum