

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]																														
TYPE GEN	PERSONAL APPEARANCE NAME OF COUNSEL AND OR ORGANIZATION	X RECORD REVIEW ADDRESS AND OR ORGANIZATION OF COUNSEL																															
COUNSEL YES NO X																																	
MEMBERS SITTING		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">HON</th> <th style="width: 15%;">GEN</th> <th style="width: 15%;">UOTHC</th> <th style="width: 15%;">OTHER</th> <th style="width: 15%;">DENY</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> </tr> </table>		HON	GEN	UOTHC	OTHER	DENY					X					X					X					X					X
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ISSUES A92.37, A94.53, A01.13	INDEX NUMBER A67.10	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> <tr> <td style="width: 5%;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td>2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td>3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td>4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </table>		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														
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED IN 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 [REDACTED]		SIGNATURE OF BOARD PRESIDENT [REDACTED]																															
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

CASE NUMBER

FD2002-0534

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 Letters of Counseling, a Letter of Reprimand, a Letter of Admonishment, an Article 15, and a vacation of suspended punishment. His misconduct included financial irresponsibility, failure to go on two occasions, being incapacitated for duty due to previous overindulgence in alcohol, and failure to pay his government travel card bill. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf in which he tried to explain the reasons for some of his infractions, but agrees he had no excuse for other of his infractions. Member was age 22 to 24 when his misconduct occurred and there is no evidence he was immature or didn't know right from wrong. Member was responsible for his actions and was held accountable for them because his misconduct was disruptive to the unit. Commission of serious repeat offenses clearly established applicant's unsuitability for further Air Force service. The Board did not find sufficient mitigation to warrant an upgrade, and no inequity or impropriety was found in this discharge in the course of the records review. The Board concluded the discharge was appropriate for the reasons that were its basis.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 10 Apr 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 25 Aug 71. Enlmt Age: 20 11/12. Disch Age: 24 7/12. Educ: HS DIPL. AFQT: N/A. A-51, E-66, G-78, M-64. PAFSC: 3P031 - Security Apprentice. DAS: 15 May 93.

b. Prior Sv: (1) AFRes 31 Jul 92 - 16 Dec 92 (4 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Dec 92 for 4 yrs. Svd: 3 Yrs 3 Mo 25 Das, all AMS.

b. Grade Status: AMN - 1 Dec 95 (Vacation of Article 15, 23 Feb 96)
A1C - (EPR Indicates): 17 Aug 94-15 Aug 95
AMN - (EPR Indicates): 17 Dec 92-16 Aug 94.

c. Time Lost: None.

d. Art 15's: (1) 23 Feb 95, Barksdale AFB, LA - Article 134. You, being indebted to ----- for the total amount of \$765.82 for credit card charges, which amount became due and payable upon receipt, did, on or about 26 Aug 95, to on or about 12 Feb 96, dishonorably fail to pay said debt. Reduction to Airman. (No appeal) (No mitigation)

(2) 1 Dec 95, Barksdale AFB, LA - Article 134. On or about 4 Nov 95, you, as a result of wrongful previous overindulgence in intoxicating liquor or drugs, were incapacitated for the proper performance of your duties. Subject to your consent, an Intoxilyzer 5000 breathalyzer test was administered with a .062% Blood Alcohol Content (BAC) result. Suspended reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOA, 04 SEP 95 - Failure to show at appointed place of duty.

LOR, 24 OCT 93 - Failure to go and failure to properly prepare for duty.

LOC, 22 SEP 93 - Financial irresponsibility.

LOC, 04 SEP 93 - Failure to inform supervisor of numerous negative incidents off duty.

f. CM: None.

g. Record of SV: 17 Dec 92 - 16 Aug 94 Barksdale AFB 3 (Intial)
17 Aug 94 - 16 Aug 95 Barksdale AFB 3 (Annual)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFAM, AFTR, NDSM, AFOUA, HSM.

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (11) Das
TAMS: (3) Yrs (3) Mos (25) Das

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

NO ISSUES SUBMITTED.

ATCH

None.

4MAR03/ia



DEPARTMENT OF THE AIR FORCE

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

MEMORANDUM FOR [REDACTED]

16 MAR 1996

FROM: 2 SPS/CCQ

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 AFD 36-32 and AFI 36-3208, para 5.49. If my recommendation is approved, your service will be characterized as under honorable conditions (general) or honorable. I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

- a. Between 26 Aug 95 to about 12 Feb 96, you dishonorably failed to pay your American Express bill, as evidenced by a Vacation Action (AF Form 366), dated 11 Mar 96, (atch 1);
- b. On or about 4 Nov 95, you were incapacitated for the proper performance of your duties as a result of prior overindulgence in alcohol, as evidenced by an Article 15, dated 4 Dec 95, (atch 2);
- c. On or about 3 Sep 95, you failed to show up at your appointed place of duty at the appointed time, as evidenced by a Letter of Admonishment (LOA), dated 4 Sep 95, (atch 3);
- d. On or about 24 Oct 93, you failed to show up at your appointed place of duty at the appointed time, as evidenced by a Letter of Reprimand (LOR), dated 24 Oct 93 (atch 4);
- e. On or about 10 Aug 93, you wrote a check to the Army Air Force Exchange Service in the amount of \$48.50 without having sufficient funds in your account to cover the check, as evidenced by a Letter of Counseling (LOC), dated 24 Sep 93 (atch 5);
- f. On or about 3 Sep 93, you failed to inform your supervisor of numerous negative incidents that happened on off-duty time, as evidenced by a LOC, dated 4 Sep 93 (atch 6);

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.

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3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. In order to arrange an appointment to consult an attorney you will need to contact [REDACTED] at extension 8355. She will set you up with an appointment at that time.
4. You have the right to submit statements in 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 for good cause shown. I will forward them to the separation authority for consideration.
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 received a physical examination within the last 2 years. Therefore, you are not required to obtain a final separation physical examination.
7. 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 unit Orderly room.
8. You have been scheduled for a Preseparation Counseling briefing. You must report to the Family Support Center, building 4713, at 0900 hours on 18 Mar 96 for the briefing. Your briefing will be with [REDACTED] or [REDACTED].
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED], 2Lt USAF
Section Commander, 2 SPS

Attachments:

1. Vacation Action, dated 11 Mar 96
2. Article 15, dated 4 Dec 95
3. LOA, dated 4 Sep 95
4. LOR, dated 24 Oct 95
5. LOC, dated 22 Sep 93
6. LOC, dated 4 Sep 93
7. Receipt of Notification