

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		X RECORD REVIEW	
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	
[REDACTED]				X
[REDACTED]				X
[REDACTED]				X
[REDACTED]				X
[REDACTED]				X
ISSUES A94.53, 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
HEARING DATE 3 JUN 03		CASE NUMBER FD2002-0535	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 [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]	
INDORSEMENT			DATE: 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0535

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 Articles 15, a vacation of suspended punishment, a Letter of Reprimand, and three Records of Individual Counseling. His misconduct included at least five instances of failure to go or missing appointments, two underage drinking incidents, and drunk driving. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting an honorable separation in order to receive his G.I. Bill education benefits. The Board noted member was given many opportunities to correct his behavior but was either unwilling or unable to do so. Member was responsible for his actions and was held accountable for them because his misconduct was disruptive to the unit. 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.

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 20 Jun 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 May 81. Enlmt Age: 17 11/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-39, E-28, G-27, M-31. PAFSC: 3A031 - Information Management Journeyman. DAS: 28 May 00.

b. Prior Sv: (1) AFRes 10 May 99 - 28 Dec 99 (7 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 39 Dec 99 for 4 yrs. Svd: 2 Yrs 5 Mo 23 Das, all AMS.

b. Grade Status: AB - 05 Jun 02 (Article 15, 05 Jun 02)
AMN - 22 Oct 01 (Vacation of Article 15, 19 Feb 02)
A1C - 29 Apr 01
AMN - 20 Jun 00

c. Time Lost: None.

d. Art 15's: (1) 5 Jun 02, Seymour Johnson AFB, NC - Article 86. You did, on or about 16 May 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman Basic, forfeiture of \$100.00 pay, and 15 days extra duty. (No appeal) (No mitigation)

(2) 19 Feb 02, Vacation, Seymour Johnson AFB, NC - Article 86. You did, on or about 28 Jan 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(3) 22 Oct 01, Seymour Johnson AFB, NC - Article 92. You, who knew of your duties, on or about 4 Oct 01, were derelict in the performance of those duties in that you willfully consumed alcoholic beverages while under the age of twenty-one, as it was your duty not to do. Article 111. You did, on or about 4 Oct 01, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your blood was 0.15 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. Suspended reduction to Airman, 30

days correctional custody (deferred until 23 Oct 01).
(No appeal) (No mitigation)

- e. Additional: RIC, 29 JAN 02 - Failure to report for duty on time.
LOR, 30 AUG 01 - Failure to report for duty on time.
RIC, 19 JUL 01 - Drinking under the age of 21.
RIC, 04 MAY 01 - Failure to report for duty on time.

f. CM: None.

- g. Record of SV: 29 Dec 99 - 29 Aug 01 Seymour Johnson AFB 4 (Initial)
(Discharged from Seymour Johnson AFB)

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

- i. Stmt of Sv: TMS: (3) Yrs (1) Mos (11) Das
TAMS: (2) Yrs (5) Mos (23) Das

- 4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Dec 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

- 1. Two Character References.
- 2. Response to Administrative Discharge Action, 11 Jun 02.

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DEPARTMENT OF THE AIR FORCE

4TH FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

FD2002-0534

MEMORANDUM FOR [REDACTED]

id Junpa

FROM: 4 TS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFD 36-32 and AFI 36-3208, Chapter 5, Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. On or about 4 May 2001, you were one hour late to duty. For this misconduct, you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 4 May 2001 (Tab 1a).

b. On or about 19 July 2001, you received a Record of Individual Counseling for drinking alcohol while under the age of 21. These actions are documented by an AF Form 174, dated 19 July 2001 (Tab 1b).

c. On or about 21 August 2001, you arrived for duty 35 minutes late. For this misconduct, you received a Letter of Reprimand. These actions are documented by a Letter of Reprimand, dated 30 August 2001 (Tab 1c).

d. On or about 4 October 2001, you were derelict in the performance of your duties in that you willfully consumed alcoholic beverages while under the legal age of 21, as it was your duty not to do. For this misconduct, you received an Article 15. These actions are documented by an AF Form 3070, dated 10 October 2001 (Tab 1d).

e. On or about 4 October 2001, you operated a passenger car while the alcohol concentration in your blood was 0.15 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. For this misconduct, you received an Article 15. These actions are documented by an AF Form 3070, dated 10 October 2001 (Tab 1d).

f. On or about 28 January 2002, you failed to report to duty at the time prescribed. For this misconduct, you received a Record of Individual Counseling. These actions are documented by an AF Form 174, dated 20290101 (Tab 1e).

g. On or about 28 January 2002, you failed to go at the time prescribed to your appointed place of duty, to wit building 4517. For this misconduct, the suspended Article 15 punishment, which called for reduction to the grade of Airman, was vacated. These actions are documented by an AF Form 366, dated 8 February 2002 (Tab 1f).

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h. On or about 16 May 2002, you failed to go at the time prescribed, to your appointed place of duty, to with building 4517. For this misconduct, you received an Article 15. These actions are documented by an AF Form 3070, dated 30 May 2002 (Tab 1g).

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 reenlistment in the Air Force.

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 [REDACTED], Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 11 JUN 02 (date) at 0830 (time). 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 by 13 JUN 02 (allow three duty days) unless you request and receive an extension for good cause shown. I will send them 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 have been scheduled for a mandatory medical examination at the 4th Medical Group, Seymour Johnson AFB. You must report to the Family Practice Clinic (Blue Team) on 12 June 2002 at 0820 hours with [REDACTED]. You must report 15 minutes prior to your scheduled time.

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 at the unit orderly room or the Area Defense Counsel office.

9. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 17 June 2002 at 1300 hours. You must report to building 3602 for your TAPs counseling.

10. Execute the attached acknowledgement {Tab 2} and return it to me immediately.

[REDACTED]

Commander, 4 TS

Attachments:

Supporting Documentation:

- a. AF Form 174, dated 4 May 2001 (Tab 1a)
- b. AF Form 174, dated 19 July 2001 (Tab 1b)
- c. Letter of Reprimand, dated 30 August 2001 (Tab 1c)
- d. AF Form 3070, dated 10 October 2001 (Tab 1d)
- e. AF Form 174, dated 20290101 (Tab 1e)
- f. AF Form 366, dated 8 February 2002 (Tab 1f)
- g. AF Form 3070, dated 30 May 2002 (Tab 1g)