

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE Amm	AFSN/SSAN ██████████
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

	Change Reason for Discharge	RE Code	Upgrade Discharge
██████████			Deny
██████████			Deny
██████████			Deny
██████████			Deny
██████████			Deny

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
HEARING DATE 12 Aug 2003	CASE NUMBER FD-2003-00026	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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 ██████████
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TO: SAF/MRBR 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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL
RATIONALE**

CASE NUMBER

FD-2003-00026

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and to change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant does not contest his discharge; he merely states that he wants an upgrade to Honorable so that he may enlist into the US Marine Corps. The records indicated the applicant received two Article 15s, for being found drunk while on duty and for willfully failing to refrain from consuming alcohol while under the age of twenty-one. Additionally, civilian authorities apprehended him for driving while intoxicated, having no vehicle license, and no proof of insurance. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the 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.

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

[REDACTED]
[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 30 Sep 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority.

2. **BACKGROUND:**

a. DOB: 13 May 82. Enlmt Age: 18 3/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-65, E-47, G-53, M-41. PAFSC: 2T131 - Vehicle Operations Apprentice. DAS: 27 Mar 01.

b. Prior Sv: (1) AFRes 17 Aug 00 - 27 Nov 00 (3 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Nov 00 for 4 yrs. Svd: 1 Yrs 10 Mo 3 Das, all AMS.

b. Grade Status: AMN - 30 Aug 02 (Article 15, 30 Aug 02)
A1C - 02 May 02
AMN - 28 May 01

c. Time Lost: None.

d. Art 15's: (1) 30 Aug 02, Little Rock AFB, AR - Article 92. You, who knew of your duties at or near Sweet Home, Arkansas, on or about 9 Aug 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of twenty-one, as it was your duty to do. Reduction to Amn, and 30 days restriction. (No appeal) (No mitigation)

(2) 2 Nov 01, Little Rock, AR - Article 112. You, were, on or about 14 Oct 01, found drunk while on duty as dormitory guard for dorm 768. Suspended reduction to AB, suspended forfeiture of \$200.00 pay per month for 2 months, 30 days correctional custody, and a reprimand. (No appeal) (No mitigation)

e. Additional: Traffic Ticket, 9 AUG 02 - Driving while intoxicated, no vehicle license, and no proof of insurance.

f. CM: None.

g. Record of SV: 28 Nov 00 - 27 Jul 02 Little Rock AFB 4 (Initial)
(Discharged from Little Rock AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (1) Mos (14) Das
TAMS: (1) Yrs (10) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jan 03.
(Change Discharge to Honorable, Change the RE Code, Reason and Authority.)

Issue 1: I seek an upgrade in discharge from "General (under honorable conditions)" to "Honorable." Please consider the above request and issue a corresponding DD 214 so that I might enlist into the U-S (sic) Marine Corps.

ATCH

1. Certificate of Training.
2. Enlisted Performance Report.
3. Career Field Education and Training Plan.

18MAR03/ia

PD 7002-00026



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 314TH AIRLIFT WING (AETC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS

09 SEP 2002

MEMORANDUM FOR AMN [REDACTED]

FROM: 314 LRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a *Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline*. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation for discharge is approved, your service will be characterized as general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 9 August 2002, you drank alcoholic beverages while under the age of 21. For your actions, you received nonjudicial punishment under Article 15 on 30 August 2002 (Atch 1-1).

b. On 14 October 2001, you were drunk while on duty. For your actions, you received nonjudicial punishment under Article 15 on 2 November 2001 (Atch 1-2).

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 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 Capt. [REDACTED] Area Defense Counsel, Bldg 1255, Rm 201, Telephone 7-3260 on 9 September 2002 at 1400 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within (3) workdays unless you request and receive an extension for good cause shown. I will forward any statements you submit 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 medical examination. You must report to Little Rock AFB Clinic at 1000 hours on 9 September 2002 for the examination.
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 in the Orderly Room.
9. Execute the attached acknowledgment and return it to me immediately.



Major, USAF

Commander

Attachments:

- 1-1 Art. 15, 26 Aug 02
 - Member's Response, 28 Aug 02
 - Citation, 9 Sep 02
 - Driver License Receipt, 9 Sep 02
- 1-2 Art 15, 29 Oct 01
 - Member's Response, not dated
 - Dorm Guard Duties, 22 Oct 01
 - Dorm Schedule, not dated
 - MFR (A1C [redacted]) 16 Oct 01
 - MFR (A1C [redacted]) 19 Oct 01