

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]	
TYPE	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 A94.05		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD
				1
				ORDER APPOINTING THE BOARD
				2
				APPLICATION FOR REVIEW OF DISCHARGE
				3
				LETTER OF NOTIFICATION
HEARING DATE 11 JUL 03		CASE NUMBER FD2003-0097		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 [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]	
INDORSEMENT			DATE: 11 JUL 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

FD03-0097

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 states that his discharge was too harsh and improper because he believes he was punished for both incidents prior to being discharged. The record indicates the applicant received two Articles 15. One for wrongfully entering a local area hotel and wrongfully using some amount of marijuana. The other one for driving while intoxicated. The Board confirmed that the applicant's command had processed the case properly and that the case file was legally sufficient to support the discharge with a General characterization. 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. 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

[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 14 Jun 00 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 1 Jan 78. Enlmt Age: 19 8/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-48, E-62, G-72, M-49. PAFSC: 3E131 - Heating, Vent, A/C, & Refrigeration Apprentice. DAS: 19 Oct 98.

b. Prior Sv: (1) AFRes 19 Sep 97 - 24 Nov 97 (2 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AMN 25 Nov 97 for 4 yrs. Svd: 2 Yrs 6 Mo 21 Das, all AMS.

b. Grade Status: AMN - 16 Mar 00 (Article 15, 16 Mar 00)
A1C - 16 Oct 99
AMN - 16 Dec 98
AB - 16 Jun 98 (Article 15, 16 Jun 98)

c. Time Lost: None.

d. Art 15's: (1) 16 Mar 00, Wright-Patterson AFB, OH - Article 111. You did, on or about 25 Feb 00, 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. Reduction to Airman, 14 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

(2) 16 Jun 98, Wright-Patterson AFB, OH - Article 92. You did, on or about 18 Apr 98, violate a lawful general instruction, to wit: para 2.1.8, SAFB 36-2902, dated 15 Oct 97, by wrongfully entering a local area hotel. Article 112a. You did, on or about 18 Apr 98, wrongfully use some amount of marijuana. Thirty days correctional custody, reduction to AB, and a suspended forfeiture of \$400.00 pay per month for one month. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 25 Nov 97 - 24 Jul 99 WPAFB 3 (Initial)

(Discharged from WPAFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (27) Das
TAMS: (2) Yrs (6) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 3 Mar 03.
(Change Discharge to Honorable)

Issue 1: I feel that my discharge was improper because I was punished for both incidents, one in which the Air Force felt that it was not my fault, prior to being discharged. I loved being a member of the United States Air Force and I feel that it was punishment enough to no longer be in the Air Force. With that being said, I know that I cannot change the past but I can move forward and try to continue to be helpful (sic) member in American Society. That is the reason for this request. I am now trying to become a police officer in my country. They have temporarily denied my application until or if I have the status of my discharge upgraded to Honorable.

At this time I have no documentation or attorney (sic) to help me with this appeal, but if needed I will try to submit some. Thank you.

ATCH
None.

9APR03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 88TH AIR BASE WING (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE, OHIO

25 MAY 00

MEMORANDUM FOR AMN [REDACTED]

FRGM: 88 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On 18 April 1998 you used marijuana. Also, on 18 April 1998, you wrongfully entered a local hotel area in violation of the local Air Force base instruction. As a result of this misconduct you received nonjudicial punishment on 16 June 1998. Your punishment was a 30 days correctional custody, reduction to the grade of airman basic, and suspended forfeiture of \$400 pay for one month.

b. On 25 February 2000 you drove a car while intoxicated. As a result of this misconduct you received nonjudicial punishment on 16 March 2000. Your punishment was reduction to the grade of airman and 14 days of extra duty. This Article 15 was subsequently placed into an unfavorable information file.

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, 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 Captain [REDACTED] at the Area Defense Counsel's office, Building 199, Kittyhawk Area, Wright-Patterson AFB, OH, (937) 257-7841, on 25 May 00 at 1500. 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 working days of your receipt of this letter, unless you request and receive an extension for good cause shown. I will send your statements to the separation authority. NLT ~~30 May 00~~ 0730 hrs
31 May 00

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 the 74th Medical Group, Aerospace Medicine, Building 830, Wright-Patterson AFB, OH, at 1400 on 31 May 00 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.

 Lt Col, USAF

Commander

Attachments:

- 1. Article 15, 16 Jun 98
- 2. Article 15/UIF, 16 Mar 00
- 3. Preliminary Revocation of On-Base Driving Privileges, 3 Mar 00