

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		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	
[REDACTED]					X	
ISSUES A93.01	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			
					COUNSEL'S RELEASE TO THE BOARD	
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
HEARING DATE 25 Jul 03		CASE NUMBER FD2003-00135		TAPE RECORDING OF PERSONAL APPEARANCE HEARING		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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: 25 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

FD2003-00135

GENERAL: The applicant appeals for upgrade of discharge to Honorable and change of reason for discharge.

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 the evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue. The applicant was discharged for minor disciplinary actions. He received two Articles 15 while in technical school for misconduct. The misconduct included failure to go and underage drinking. The applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. 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 and change of reason for 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 6 MAR 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 17 Apr 83. Enlmt Age: 19 1/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-81, E-86, G-88, M-84. PAFSC: 1C411 - Tactical Air Command & Control Helper. DAS: 23 Sep 02.

b. Prior Sv: (1) AFRes 21 May 02 - 5 Aug 02 (2 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Aug 02 for 6 yrs. Svd: 0 Yrs 7 Mos 1 Day, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 31 Jan 03, Hurlburt Field, FL - Article 92. You, who knew or should have known of your duties, on or about 18 Jan 03, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of 21, the legal age in the state of Florida, as it was your duty to do. Forfeiture of \$575.00 pay per month for 2 months. (No appeal) (No mitigation)

(2) 13 Jan 03, Hurlburt Field, FL - Article 86. You did, between on or about 28 Nov 02, and on or about 29 Nov 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Hurlburt Field)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (0) Yrs (9) Mos (14) Das
TAMS: (0) Yrs (7) Mos (1) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Mar 03.

(Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

Issue 1: While assigned to Hurlburt Field, FLA (sic), I was charged with misconduct for being absent from duty. I made a mistake and did not expect to be discharged. I understand that the error and my drinking afterward led to my discharge.

When I got in trouble for the absence, I began to drink. I was depressed and did not help that I began drinking. I had made arrangements with a buddy to cover the shift I missed but he also did not show up for duty.

I regret these errors and would appreciate an opportunity for someone to know that. I've learned a lot from this circumstance and the experience. I'm asking for the benefit of the doubt. I'd lik (sic) to join the Air Force Reserves and prove that I'm trustworthy and independent.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Collateral Training Summary.

7MAY03/ia



FD 2003-00135

DEPARTMENT OF THE AIR FORCE
DETACHMENT 1, 334TH TRAINING SQUADRON (AETC)

10 FEB 2003

MEMORANDUM FOR AB [REDACTED] DET 1, 334 TRS

FROM: Det 1, 334 TRS/CC

SUBJECT: Notification Memorandum.

1. I am recommending your discharge from the United States Air Force for misconduct, more specifically, minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section H, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are based on the following:

a. You, who knew or should have known of your duties, at or near Hurlburt, Field, FL on or about 18 January 2003, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of 21, the legal age in the state of Florida, as it was your duty to do, for which you were given Nonjudicial Punishment, under Article 15, UCMJ, on 31 Jan 03, which was filed in your Personnel Information File (PIF).

b. You, did, at or near Hurlburt, Field, between on or about 28 November 2002 and on or about 29 November 2002, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 90329, for which you were given Nonjudicial Punishment, under Article 15, UCMJ, on 13 Jan 03, which was filed in your PIF.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Courts-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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 the Area Defense Counsel at Hurlburt Field, FL, Bldg 90042, on 11 FEB 03 at 1030 hours. 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 within three workdays of your receipt of this memorandum, 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You are scheduled for a medical examination and you should report to the Hurlburt Clinic at 0915 hrs on 12 Feb 03 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 at the unit orderly room.

 Maj, USAF
Commander

Attachments:

Documents Supporting Basis for Discharge

1. AF FM 3070, dtd 31 Jan 03 (4p.)
2. AF FM 3070, dtd 13 Jan 03 (4p.)
3. Airman's receipt of notification memorandum