










AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE SRA	AFSN/SSAN 			
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
						X
						X
						X
						X
						X
ISSUES A94.53		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 6 AUG 03		CASE NUMBER FD2003-0143		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	
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 			SIGNATURE OF BOARD PRESIDENT 			
INDORSEMENT				DATE: 6 AUG 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

FD03-0143

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 does not contest his discharge; he merely states that his former First Sergeant said he should submit the application and that the record would and should be sufficient to change his discharge. The record indicates the applicant received two Article 15s, the first one for being incapacitated for work as a result of wrongful previous overindulgence in intoxicating liquor. The second one was for dishonorably failing to pay just debt and for failure to go on two occasions. He also received two Letters of Reprimand for driving while intoxicated and failure to contact his supervisor as ordered, and for leaving the State of Wyoming without notifying his supervisor. 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 this 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. 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

(Former SRA) (HGH TSGT)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 31 Jan 96 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 25 Feb 62. Enlmt Age: 19 7/12. Disch Age: 33 11/12. Educ: HS DIPL. AFQT: N/A. A-84, E-64, G-66, M-81. PAFSC: 2W251 - Nuclear Weapons Journeyman. DAS: 25 Aug 93.

b. Prior Sv: (1) AFRes 1 Oct 81 - 24 Feb 82 (4 months 24 days) (Inactive).

(2) Enlisted as AB 25 Feb 82 for 6 yrs. Reenlisted as SSgt 28 Aug 87 for 6 yrs. Svd: 11 yrs 3 months 23 days, all AMS. Amn-Sgt Unknown. SSgt 1 Dec 86. APRs: 9,9,9,9,9,9,9,9. EPRs: 5,5,5,5.

3. SERVICE UNDER REVIEW:

a. Reenlisted as SSgt 18 Jun 93 for 6 yrs. Svd: 2 Yrs 7 Mo 13 Das, of which AMS is 2 yrs 7 months 10 days (excludes 3 days lost time).

b. Grade Status: SrA - 27 Nov 95 (Article 15, 27 Nov 95)
SSgt - 16 Mar 95 (Article 15, 16 Mar 95)
TSgt - 1 Jan 94

c. Time Lost: 4 Nov 95 thru 7 Nov 95 (3 days).

d. Art 15's: (1) 27 Nov 95, F.E. Warren AFB, WY - Article 86. You, being indebted to the Cheyenne Water and Sewer Department in the sum of \$253.42 for your water bill, which amount became due and payable on or about 29 Sep 95, did, from 30 Sep 95 to 18 Oct 95, dishonorably fail to pay said debt. Article 121. You did, on or about 3 Nov 95, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 6 Nov 95, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to SrA. (No appeal) (No mitigation)

(2) 16 Mar 95, F.E. Warren AFB, WY - Article 134. You, were, on or about 21 Feb 95, as a result of wrongful previous overindulgence in intoxicating liquor, incapacitated for the proper performance of your duties. Reduction to SSgt. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 17 NOV 95 - Driving while intoxicated.
LOR, 28 MAR 95 - Failure to contact supervisor as ordered,
and leaving the State of Wyoming on
personal business without notifying
supervisor.

f. CM: None.

g. Record of SV: 01 Dec 92 - 12 Aug 93 Vandenberg AFB 5 (CRO)
13 Aug 93 - 12 Aug 94 F.E. Warren AFB 4 (Annual)
13 Aug 94 - 04 Sep 95 F.E. Warren AFB 3 (Annual)

(Discharged from F.E. Warren AFB)

h. Awards & Decs: AFCM W/1 DEV, AFLSAR W/2 DEVS, AFTR, AFOSLTR, NDSM,
HSM, SAEMR, NCOPMER W/1 DEV, AFOUA W/4 DEVS, AFGCM W/3 DEVS.

i. Stmt of Sv: TMS: (14) Yrs (3) Mos (28) Das
TAMS: (13) Yrs (11) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Mar 03.
(Change Discharge to Honorable)

Issue 1: My former 1st Sergeant said I should submit this document. He
said my record would and should be sufficient to change my discharge
classification. His name is [REDACTED] living in Cheyenne, Wy. His phone #
is listed. I'm presently in the Salt Lake City VA so I do not have his number
available.

ATCH
None.

29MAY03/ia



DEPARTMENT OF THE AIR FORCE
90TH MISSILE WING (AFSPACECOM)

FD 7003-00143

05 DEC 1995

MEMORANDUM FOR SRA [REDACTED]

FROM: 90 MXS/CC

SUBJECT: Notification Memorandum - Board Hearing

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions according to AFPD 36-32 and AFI 36-3208, under the provision of paragraph 5.49. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. You, being indebted to the Cheyenne Water and Sewer Department in the sum of \$253.42 for your water bill, which amount became due and payable on or about 29 Sep 95, did from 30 Sep 95 to 18 Oct 95, dishonorably fail to pay said debt. You received Article 15 punishment on 27 Nov 95.

b. You did, on or about 3 Nov 95, without authority, fail to go at the time prescribed to your appointed place of duty. You received Article 15 punishment on 27 Nov 95.

c. You did, on or about 6 Nov 95, without authority, fail to go at the time prescribed to your appointed place of duty. You received Article 15 punishment on 27 Nov 95.

d. You did, on or about 21 Oct 95, operate a vehicle in Cheyenne, Wyoming while intoxicated. You were placed on a control roster on 27 Nov 95 and received a Letter of Reprimand (LOR) on 17 Nov 95.

e. You did, on or about 6 Mar 95 to 8 Mar 95, fail to contact your place of duty as ordered by MSgt [REDACTED] on 3 Mar 95. You also left the state of Wyoming on personal business without notifying your supervisor. You were placed on a control roster, an Unfavorable Information File was established, and you received an LOR on 28 Mar 95.

f. You were, on or about 21 Feb 95, as a result of wrongful previous overindulgence in intoxicating liquor, incapacitated for the proper performance of your duties. You received Article 15 punishment on 16 Mar 95.

3. The action listed could result in your separation with an under other than honorable conditions discharge. I am recommending that you be separated with a general discharge. The commander

exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for a medical examination. You must report to F. E. Warren Hospital physical exams section at 0700 hours on 06 DEC 1995.

6. Military legal counsel, Capt. [REDACTED] of the Area Defense Counsel's Office, Bldg 292, ext 3248 has been obtained to assist you. An appointment has been scheduled for you to consult her on 11 DEC 95 at 1000 L. Instead of the appointed counsel, you may request another lawyer who is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

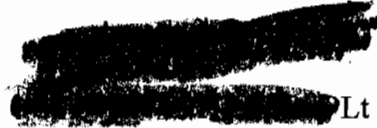
7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of your right to the board hearing.

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 your squadron orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10 The discharge board or the discharge authority will make the findings and recommendations required under 10 U.S.C. 2005(g).

11. Execute the attached acknowledgment and return it to me immediately.

A large, dark, irregular redacted area covering the signature of the sender.

Lt Col, USAF

Commander

Attachments:

1. AF Form 3070 w/Atch, dtd 27 Nov 95
2. AF Form 1058 w/Atch, dtd 27 Nov 95
3. AF Form 1058 w/Atch, dtd 28 Mar 95
4. AF Form 3070 w/Atch, dtd 16 Mar 95