

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN		
[REDACTED]		A1C	[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	UOTIC	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD			
A95.00	A67.10	1	ORDER APPOINTING THE BOARD		
		2	APPLICATION FOR REVIEW OF DISCHARGE		
		3	LETTER OF NOTIFICATION		
HEARING DATE	CASE NUMBER	4	BRIEF OF PERSONNEL FILE		
6 AUG 03	FD2003-0161		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			SIGNATURE OF BOARD PRESIDENT		
[REDACTED]			[REDACTED]		
INDORSEMENT				DATE: 6 AUG 03	
TO:		FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		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

FD03-0161

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15 for giving alcoholic beverages to minors. He also received a Letter of Reprimand for driving under the influence of alcohol and a Record of Individual Counseling for being late for duty. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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]
[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 Aug 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Apr 80. Enlmt Age: 20 7/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-76, E-71, G-76, M-78. PAFSC: 2F031 - Fuels Apprentice. DAS: 14 Jun 01.

b. Prior Sv: (1) AFRes 30 Nov 00 - 5 Mar 01 (3 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Mar 01 for 6 yrs. Svd: 1 Yrs 5 Mo 24 Das, all AMS.

b. Grade Status: A1C - 12 Jun 01

c. Time Lost: None.

d. Art 15's: (1) 20 Nov 01, Pope AFB, NC - Article 92. You, who knew or should have known of your duties within the state of North Carolina, on or about 2 Nov 01, were derelict in the performance of those duties in that you willfully failed to abstain from giving alcoholic beverages to minors, as it was your duty to do. Suspended reduction to Airman, 30 days restriction, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 29 JUL 02 - Driving under the influence of alcoholic.
RIC, 02 SEP 01 - Late for duty.

f. CM: None.

g. Record of SV: None.

(Discharged from Pope AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (1) Das
TAMS: (1) Yrs (5) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 4 Apr 03.

FD2003-00161

(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

16MAY03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE, NORTH CAROLINA

FD-2000-0101
15 Aug 02 1000 H:

MEMORANDUM FOR A1C [REDACTED], [REDACTED], 43 SUPS

FROM: 43 SUPS/CC
1443 Reilly Street
Pope AFB NC 28308

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. You understand that approval of this recommendation for your discharge could result in you receiving an under other than honorable conditions discharge, if the convening authority determines such characterization is warranted and directs initiation of a discharge board. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 22 Jul 02, within Fayetteville NC, you were charged with driving while impaired as documented by a Letter of Reprimand (LOR), dated 29 Jul 02.

b. On or about 2 Nov 01, you, who knew or should have known of your duties, within the state of North Carolina, were derelict in the performance of those duties in that you willfully failed to abstain from giving alcoholic beverages to minors, as it was your duty to do as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 20 Nov 01.

c. On or about 22 Sep 01, you arrived for duty when you were scheduled to appear at 0700 hours as documented by an AF Form 174, dated 2 Sep 01.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises Special Court Martial (SPCM) 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. Contact [REDACTED] (extension 4-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult the Area Defense Counsel. Instead of the

appointed counsel, you may have another, if the lawyer you request 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.

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 20 Aug 02 at 1000 hours 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 in three days**, your failure will constitute a waiver of your right to do so.

7. 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 orderly room.


Commander, Captain, USAF

Attachments:

- 1. Letter of Reprimand, dated 29 Jul 02
- 2. Supporting Documents, dated 22 Jul 02, 4 pages
- 3. AF Form 3070, dated 20 Nov 01
- 4. AF Form 174, dated 2 Sep 01