

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE A1C	AFSN/SSAN
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">COUNSEL</td> <td style="width: 50%; padding: 2px;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="padding: 2px;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table> </td> <td style="padding: 2px;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> </table>	COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table>	YES	NO		X	ADDRESS AND OR ORGANIZATION OF COUNSEL		
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YES	NO									
	X									

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.05	INDEX NUMBER A69.00, 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
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
HEARING DATE 1 AUG 03	CASE NUMBER FD2003-0167		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: 1 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD03-0167

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: The applicant believes that his discharge would automatically be upgraded in six months. The records indicated applicant received a General Discharge for failure to complete the alcohol abuse rehabilitation treatment program and for misconduct. He received an Article 15 for failure to go and a Vacation action on a suspended action under the UCMJ. In addition, he received three Letters of Reprimand and two Records of Individual Counseling for failing his room inspection, being late for work, missing scheduled appointments, dereliction of duty and failure to go. Finally, he failed the alcohol abuse rehabilitation treatment program. The Board noted the issue of automatically upgraded a discharge in six months was common, the result of miscommunication. While a discharge may be upgraded after six months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal. The Board concluded the misconduct was 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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 9 Dec 92 UP AFR 39-10, para 5-32b and 5-47b (Failure in Alcohol Abuse Rehabilitation and Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 13 Nov 68. Enlmt Age: 18 3/12. Disch Age: 24 0/12. Educ: HS DIPL. AFQT: N/A. A-60, E-77, G-66, M-78. PAFSC: 74151 - Fitness and Recreation Specialist. DAS: 28 Feb 89.

b. Prior Sv: (1) AFRes 10 Mar 87 - 9 Sep 87 (6 Months) (Inactive).

(2) Enld as AB 10 Sep 87 for 4 yrs. Svd: 3 Yrs 3 Mos 21 Das, all AMS. AMN - Unknown. A1C - 10 Jan 89. SrA - 10 Sep 90. APRs: 8,9. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 31 Dec 90 for 4 yrs. Svd: 1 Yrs 11 Mo 9 Das, all AMS.

b. Grade Status: A1C - 19 Jun 92 (Vacation of Article 15, 22 Oct 92)

c. Time Lost: None.

d. Art 15's: (1) 22 Oct 92, Vacation, MacDill AFB, FL - Article 111 and 134. That you, did, at Tampa, FL, on or about 17 Sep 92, at the intersection of Dale Mabry and Euclid, operate a vehicle, to wit: a passenger war, while drunk, and did thereby cause said vehicle to injure [REDACTED]. Further, that you, did, at Tampa, FL, on or about 17 Sep 92, at the intersection of Dale Mabry and Euclid, after being involved in an automobile accident which resulted in personal injury, fail to stop at the scene of the accident, in violation of Florida Statute 316.027, and such conduct was of a nature as to tend to bring discredit on the armed forces. Reduction to A1C, and forfeiture of \$500 pay per month for 2 months. (No appeal) (No mitigation)

(2) 19 Jun 92, Macdill AFB, FL - Article 86. You did, on or about 8 Jun 92, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to A1C, and suspended forfeiture of \$500 pay per month for 2 months. (No appeal) (No mitigation)

- e. Additional: AFFM 2731, 19 NOV 92 - Failure in the alcohol abuse rehabilitation treatment program.
 LOR, 24 FEB 92 - Failure to go.
 LOR, 23 JAN 92 - Dereliction of duties.
 RIC, 01 NOV 91 - Missed scheduled appointment.
 LOR, 16 SEP 91 - Late for work.
 RIC, 22 AUG 91 - Failed room inspection.

f. CM: None.

- g. Record of SV: 28 Jun 90 - 27 Jun 91 MacDill AFB 3 (Annual)
 28 Jun 91 - 27 Jun 92 MacDill AFB 2 (Annual)

(Discharged from MacDill AFB)

h. Awards & Decs: AFOUA W/3 OLC, AFGCM, NDSM, AFLSAR, AFNCOPMEGR, AFTR, KLM, SASM.

- i. Stmt of Sv: TMS: (5) Yrs (9) Mos (0) Das
 TAMS: (5) Yrs (3) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 31 Mar 03.
 (Change Discharge to Honorable)

Issues: My discharge was upgradeable after a certain period to time (6 months I believe). My personal paperwork was destroyed a few years ago so I don't have the exact date of eligibility on hand. I received a DUI in Tampa, FL. in 1992 and was discharged - under honorable conditions. I would like to formally request the upgrade to Honorable and if possible a copy of the upgrade. I would also like to apologize to the Air Force for my behavior and hope that I can restore the good name that my father and grandfather fought to protect. Thank you for hearing my case.

ATCH
 None.

14May03/cr



DEPARTMENT OF THE AIR FORCE
56TH MORALE, WELFARE, RECREATION, AND SERVICES SQUADRON (ACC)
MACDILL AIR FORCE BASE, FLORIDA

FROM: CC

30 NOV 1992

SUBJ: Notification Letter

TO: AIC [REDACTED]

1. I am recommending your discharge from the United States Air Force for Failure in Alcohol Abuse Rehabilitation and Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFR 39-10, paragraphs 5-32b and 5-47b. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 17 Sep 92, you did, at the intersection of Dale Mabry and Euclid, operate a vehicle, to wit: a passenger car, while drunk, and did thereby cause said vehicle to injure [REDACTED]. You failed to stop at the scene of the accident, which involved personal injury, in violation of F.S. 316.027, and such conduct was of a nature to tend to bring discredit on the armed forces.

b. On or about 8 Jun 92, you did, at MacDill AFB FL, fail to go at the time prescribed to your appointed place of duty, to wit: building 303.

c. On or about 12 Sep 91, you were a self-identified participant in the Substance Abuse Reorientation and Treatment Program, however, you failed to satisfy requirements of Track 4 of the program, and was entered into Track 5 of the program.

d. On or about 14 Feb 92, you failed to go at the prescribed time to your appointed place of duty, to wit: building 303.

e. On 6 and 9 Jan 92, you received a customer service complaint for being excessively rude and belligerent in that you threatened to make the patron pay for equipment which he did not sign out. Also, you were derelict in your duties, in that you failed to return from lunch at the scheduled time, and had a lady friend to attend the customer service counter while you engaged in a smoke break.

f. On 29 Oct 91, you missed a mandatory appointment for WAPS Testing.

g. On 13 Sep 91, you failed to report at the prescribed time to your appointed place of duty.

h. On 16 Aug 91, you failed a dormitory inspection.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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.

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 legal counsel, Captain [REDACTED], at Hangar 4, ext 4455 on 14 Dec 92 at 0900. 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 by 3 DEC 1992, 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, 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 56th Medical Group, MacDill AFB, FL at 1 Dec 92 on 0645.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.

[REDACTED], Lt Col, USAF
Commander

9 Atch

1. Notification Receipt
2. AF Form 2731, dtd 19 Nov 92
3. AF Form 366, dtd 22 Oct 92
4. AF Form 3070, dtd 19 Jun 92
5. Ltr of Reprimand, dtd 24 Feb 92
6. Ltr of Reprimand, dtd 23 Jan 92
7. AF Form 174, dtd 1 Nov 91
8. Ltr of Reprimand, dtd 16 Sep 91
9. AF Form 174, dtd 22 Aug 91