

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">NO</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	NO		X		
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 A67.10	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	
			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: 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

FD03-0187

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for discharge and to change the RE Code.

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 contends that his discharge was too harsh because he believes he was innocent of underage drinking and having someone living in his dorm room. The record indicates the applicant received an Article 15 for willfully failing to refrain from drinking alcoholic beverages while under the age of 21 and for driving while drunk. In addition, he received three Letters of Reprimand and two Letters of Counseling for being late for duty, disobeying a direct order, cutting a screen to evade security forces, being disrespectful to individuals and drinking under age, and for allowing an unescorted person to reside in the barracks and wander the installation. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Apr 02 UP AFI 36-3208, para 5.46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 9 Sep 81. Enlmt Age: 17 5/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-31, E-69, G-64, M-72. PAFSC: 2A651B - Aerospace Propulsion Journeyman. DAS: 23 Mar 01.

b. Prior Sv: (1) AFRes 24 Feb 99 - 5 Oct 99 (7 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 6 Oct 99 for 4 yrs. Svd: 2 Yrs 5 Mo 29 Das, all AMS.

b. Grade Status: A1C - 6 Feb 01
AMN - 6 Apr 00

c. Time Lost: None.

d. Art 15's: (1) 21 Mar 01, Little Rock AFB, AR - Article 92. You, who knew of your duties, on or about 10 Mar 01, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of 21, as it was your duty to do. Article 111. You, did, on or about 10 Mar 01, behind building 748 physically control a vehicle, to wit: a 1995 Dodge Avenger, while drunk. Suspended reduction to Amn, forfeiture of \$584.00 pay per month for 2 months, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 05 MAR 02 - Allowing unescorted person to reside in barracks and wander the installation.
LOR, 05 MAR 02 - Disrespect to individuals and drinking under age.
LOR, 06 MAR 01 - Cutting a screen to evade Security Forces.
LOC, 19 FEB 01 - Disobeying a direct order.
LOC, 23 MAY 00 - Late for duty.

f. CM: None.

g. Record of SV: 6 Oct 99 - 5 Jun 01 Little Rock, AR 2 (Initial)REF

(Discharged from Little Rock AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (1) Mos (11) Das
TAMS: (2) Yrs (5) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jan 02.

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

Issue 1: I believe I wrongfully separated because my commander, Lt Col [REDACTED] accused me of underage drinking and having someone living in my dorm room. I was innocent of both charges. My commander and first sergeant refused to believe; there was no evidence to prove either incident. Area Defense Council (sic) informed me that my commander had no case. At first my commander offered me punishment by Article 15 under the UCMJ, I then said I wanted to go before Court Marshall (sic) because I knew that I was innocent. My commander then forced me to sign two Letters of Reprimand and a Control Roster for the incidents listed above. In less than two weeks I was recommended for discharge, but what I did not know, I didn't have to sign the paperwork or that I could've signed a rebuttal. This happened because the Area Defense Council (sic) did a very poor job of informing me of my rights. In closing I would like to say I was proudly serving my country and I would love to continue.

ATCH

1. Applicant's Statement.
2. DD Form 214.

27MAY03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 314TH AIRLIFT WING (AETC)
LITTLE ROCK AIR FORCE BASE, ARKANSAS

13 MAR 2002

MEMORANDUM FOR A1C [REDACTED]

FROM: 314 MXS/CC

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. 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 or about 5 March 2002, you failed to comply with Little Rock AFB Instruction 32-99 and AFI 32-6005. You allowed an unescorted person to reside in the barracks and wander this installation. For your actions, you received a Letter of Reprimand (LOR). (Atch 1-1)

b. On or about 9 February 2002, you were involved in an incident in the barracks where you were disrespectful to other individuals. Also, the 314th Security Forces detained you because you had consumed alcoholic beverages while under the age of 21. For your actions, you received an LOR. (Atch 1-2)

c. On or about 10 March 2001, you failed to refrain from drinking alcoholic beverages while under the age of 21 and you physically controlled a vehicle while intoxicated. For your actions, you received Nonjudicial Punishment under Article 15, UCMJ. (Atch 1-3)

d. On or about 24 February 2001, you willfully cut a screen in building 728 to evade the 314th Security Forces personnel. For your actions, you received an LOR. (Atch 1-4)

e. On or about 9 February 2001, you were given a direct order to complete and highlight Volume 4 of your Career Development Course and to study pages 1-1 through 1-42. You were given an extension with a suspense date of 12 February 2001 and still failed to complete the task. For your actions, you received a Letter of Counseling (LOC). (Atch 1-5)

f. On or about 22 May 2000, you failed to go at the time prescribed to your appointed place of duty. For your actions, you received an LOC. (Atch 1-6)

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 higher authority will decide whether you will be discharged or retained in the Air Force and if 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 Captain [REDACTED] Area Defense Counsel, Bldg 1255, Rm 201, DSN 453-3405 on **18 March 2002** at **1400** hours. 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 workdays 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 Little Rock AFB Clinic at **1330** hours on **15 March 2002** 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.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]
[REDACTED], Lt Col, USAF
Commander

- Attachments:
- 1-1 LOR, 5 Mar 02
 - 1-2 LOR, 5 Mar 02
 - 1-3 Article 15, 15 Mar 01
 Member's Response, 20 Mar 01
 - 1-4 LOR, 6 Mar 01
 - 1-5 LOC, 19 Feb 01
 - 1-6 LOC, 23 May 00