

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">COUNSEL</td> <td rowspan="3" style="padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="padding: 5px;">YES</td> <td style="padding: 5px;">NO</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px; text-align: center;">X</td> </tr> </table>	COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	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
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.01	INDEX NUMBER A67.10	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center; padding: 5px;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center; padding: 5px;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center; padding: 5px;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center; padding: 5px;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	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
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HEARING DATE 7 AUG 03	CASE NUMBER FD2003-0195																	

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 [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 7 AUG 03
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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

FD03-0195

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 does not contest his discharge, he states that he was young and immature and would like a second chance. The record indicates the applicant received an Article 15 for driving while intoxicated and for drinking under age. Additionally, he received two Letters of Reprimand for underage drinking and for failing his room inspection, and two Letters of Counseling for a security violation and for using a racial slur. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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

[REDACTED]
[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 30 Oct 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 5 Oct 82. Enlmt Age: 18 0/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-63, E-57, G-42, M-63. PAFSC: 3A011 - Information Management. DAS: 27 Aug 01.

b. Prior Sv: (1) AFRes 10 Oct 00 - 23 Oct 00 (14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Oct 00 for 6 yrs. Svd: 2 Yrs 0 Mo 7 Das, all AMS.

b. Grade Status: AMN - 5 Aug 02 (Article 15, 5 Aug 02)
A1C - 15 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 5 Aug 00, Keesler AFB, MS - Article 92. You, who knew of your duties, on or about 20 Jun 02, 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 20 Jun 02, at the intersection of Larcher Blvd and Meadows Avenue, physically control a vehicle, to wit: a car, while the alcohol concentration in your breath was 0.144 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Reduction to Airman, suspended forfeiture of \$319.00 pay per month for 2 months, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 22 JUL 02 - Failed room inspections.
LOC, 22 JUL 02 - Using racial slurs.
RIC, 08 AUG 01 - Security violation.
LOR, 25 JUL 01 - Underage drinking.

f. CM: None.

g. Record of SV: 24 Oct 00 - 20 Aug 02 Keesler AFB 2 (Initial)REF

(Discharged from Keesler AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (21) Das
TAMS: (2) Yrs (0) Mos (7) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 7 Apr 03.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority
for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH
None.

29MAY03/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

- a. DOCUMENT 1:
- b. DOCUMENT 2:
- c. DOCUMENT 3:

8. ISSUES
 The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I've admittedly made my fair share of mistakes and made some pretty bad decisions in life, but enlisting in the United States Air Force was not one of them. My enlistment was perhaps the best decision I ever made, but it was my cavalier attitude concerning the use of alcohol that cost me every promising Air Force career. I was 19 years old, immature, and without concern for the future. My only saving graces were that I worked hard at my job, maintained a positive attitude and didn't complain or try to evade punishment that I had coming to me. I know now that the bad decisions that I made while a member of the United States Air Force impacts every aspect of my life. I simply didn't take realize this important fact until after I made my final mistake. I take full responsibility for my actions in driving under the (DUI) influence and thank GOD that my final mistake didn't cause injury or worse, take a life. If I had a chance to rewind the past two years I would make drastic changes. But, that is impossible. What I'm asking for is a second chance to serve my country. Especially now, in a time of war when so many are against joining a military service, I feel a void that can only be filled by being of service to my country and defending the principles upon it was founded. I screwed up my life, but I'm asking for a second chance to make it right. I want to enlist in the military and if necessary join those who are under hostile fire. But my discharge from the Air Force is coded to disallow my reentry to join the uniformed services. If there is any possible way to revise or change that code, whatever the cost financially, administratively, personal humility of precious blood, please tell me and I will pay it. I only ask that I may again serve my country with pride and take my head to meet my fellow man as a valued member of the United States Armed Forces.

- I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.
- I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.
- THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION
 I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD) **20030107**

b. SIGNATURE 

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-6200	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001

FD 2003-00195



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

SEP 18 2002

MEMORANDUM FOR AMN [REDACTED]

FROM: 338 TRS/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, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be described as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 5 Aug 02, you received an Article 15 for the following infractions:

i. On or about 20 Jun 02, you were derelict in the performance of your duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of 21. (Atch 1, Appendix A w/atchs)

ii. On or about 20 Jun 02, you were willfully in control of a vehicle, while the alcohol concentration in your breath was 0.144 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. (Atch 1, Appendix A w/atchs)

For these infractions you received punishment of reduction from the grade of E-3 to E-2, forfeiture of \$619.00 per month for 2 months, suspended through 4 Feb 02 and 15 days of extra duty.

b. On or about 18 Jul 02, you were derelict in the performance of your duties by failing your dorm room inspection, for which you received a Letter of Reprimand, dated 22 Jul 02. (Atch 1, Appendix B)

c. On or about 22 Jul 02, you failed to refrain from using racial slurs to describe a person of Arabic decent, for which you received a Letter of Counseling, dated 22 Jul 02. (Atch 1, Appendix C)

d. On or about 4 Aug 01, your were derelict in the performance of your duties by committing a security violation, when you lost your I.D. card, as noted on AF Form 174, dated 8 Aug 01. (Atch 1, Appendix D w/atchs)

e. On or about 20 Jul 01, you were in derelict in the performance of your duties by consuming alcohol under the legal drinking age, for which you received a Letter of Reprimand, dated 25 Jul 01. (Atch 1, Appendix E w/atchs)

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 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. Any special pay, bonuses, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult WAIVED at Bldg 0701, Room 133, on _____ at _____ 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 by 1630 hours on 23 Sep 02 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 81st Medical Group, Physical Exams on 18 Sept, 2002 at 1315 hours 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 Bldg 6902, CQ.

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


Lt Col, USAF
Commander, Military Training Flight

Attachments:

1. Supporting Documents
 - a. Memorandum, dated 12 Aug 02
 - b. AF Form 3070, dated 5 Aug 02 w/atchs

- c. Letter of Reprimand, dated 22 Jul 02
 - d. Letter of Counseling, dated 22 Jul 02
 - e. AF Form 174, dated 8 Aug 01 w/atchs
 - f. Letter of Reprimand, dated 25 Jul 01 w/atchs
2. Airman's Receipt of Notification Memorandum
 3. Airman's Statement
 4. Medical Examination
 5. EPRs
 6. Other Derogatory Information