

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]		
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO				
	X				
MEMBERS SITTING			VOLE OF THE BOARD		
			HON	GEN	UOTHC
			OTHER	DENY	
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A94.05, A93.01		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD	
				1	ORDER APPOINTING THE BOARD
				2	APPLICATION FOR REVIEW OF DISCHARGE
				3	LETTER OF NOTIFICATION
HEARING DATE 25 JUL 03		CASE NUMBER FD2003-00217		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 RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
REMARKS					
<p>Case heard at Washington, D.C.</p> <p>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.</p>					
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
ENDORSEMENT				DATE: 25 JUL 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

FD2003-00217

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for minor disciplinary infractions. He had two Articles 15, and a Letter of Reprimand with Unfavorable Information File. His misconduct included underage drinking, having an unauthorized weapon and ammunition in his dorm room, driving under the influence of alcohol, making a false official statement, and trying to gain entry to a military installation with three weapons in the storage compartment of his vehicle. At the time of the discharge, member waived his right to consult counsel and submit statements in his own behalf. The Board noted member was the same age as other airmen who had adhered to the standards when his misconduct occurred, and he knew right from wrong. He was counseled in an effort to help him correct his deficiencies and had several opportunities to improve his behavior. He failed to respond to those rehabilitative efforts. He was responsible for his actions, and therefore held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant cited his desire to receive his G.I. Bill education benefits as justification for an upgrade. The Board noted that applicant signed a statement (DD Form 2366, on June 1, 1999) that he understood he must receive an Honorable discharge to receive future educational entitlements. While the Board was sympathetic to the impact of the loss of these benefits on applicant, this is not a matter of equity or propriety that warrants an upgrade.

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

MISSING MEDICAL RECORDS

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Jul 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 23 Oct 80. Enlmt Age: 18 3/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-77, E-67, G-70, M-78. PAFSC: 2A551L - Aerospace Maintenance Journeyman. DAS: 3 Jan 00.

b. Prior Sv: (1) AFRes 28 Jan 99 - 18 May 99 (3 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 May 99 for 4 yrs. Svd: 3 Yrs 2 Mo 8 Das, all AMS.

b. Grade Status: AB - 13 May 02 (Article 15, 13 May 02)
 A1C - 19 Sep 00
 AMN - 19 Nov 99

c. Time Lost: None.

d. Art 15's: (1) 13 May 02, Robins AFB, GA - Article 80. You did, on or about 25 Apr 02, attempt to gain entry onto Robins AFB, GA, while wrongfully possessing 2 shotguns and 1 hunting knife in the storage compartment of your 2002 Ford Explorer, a violation of Robins AFBI 31-101, para 11.22, Firearms Prohibition, para 11.27, Illegal Weapons, and para 11.32, Sobriety While Carrying and Handling Firearms. Article 107. You did, on or about 25 Apr 02, with intent to deceive, make to SrA [REDACTED] an official statement, to wit: "No, I am not driving a vehicle," or words to that affect, which was false in that you did drive a vehicle, and was then known by you to be so false. Article 111. You did, on or about 25 Apr 02, at or near the Robins Visitor Center, physically control a vehicle, to wit: a 2002 Ford Explorer, while the alcohol concentration in your breath was at or above .117 grams of alcohol per 210 liters of breath as shown by the Intoxilizer 5000. Reduction to AB, forfeiture of \$175 pay per month for 2 months, 45 days restriction, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 30 Jan 01, Robins AFB, GA - Article 92. You, did, on or about 11 Jan 01, fail to obey a lawful general regulation, to wit: Robins Air Force Base Pamphlet 32-6005, chapter 4, para 4.3, dated 30 Apr 97, by wrongfully having an unauthorized 12 gauge Mossburg shotgun and three shotgun shells in your dorm room, Bldg 759, room 204. Suspended reduction to Airman, and 5 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 13 MAR 00 - Consuming alcoholic beverages underage.

f. CM: None.

g. Record of SV: 19 May 99 - 18 Jan 01 Robins AFB 5 (Initial)
19 Jan 01 - 18 Jan 02 Robins AFB 5 (Annual)

(Discharged from Robins AFB)

h. Awards & Decs: AFTR, NDSM, AFOUA W/1 OLC.

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (29) Das
TAMS: (3) Yrs (2) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Apr 03.
(Change Discharge to Honorable)

Issue 1: I feel I served enough time in service to recieve (sic) my MGIB. I had less then a year left in service when I recieved (sic) my discharge. I believe my discharge was a little overboard for a DUI, but I am not at liberty to decide on that. I am only 22 years old and this discharge has already had an adverse affect. I can't afford college because I was relying on the MGIB. I have not been hired due to the nature of my discharge. I served in two foreign conflicts and I feel for that alone I at least deserve my benefits I paid for. Please take into consideration my age and how much this will affect my life over a careless immature mistake.

ATCH
None.

10JUN03/ia



FD 2003-00217

DEPARTMENT OF THE AIR FORCE
19th Aircraft Generation Squadron (AMC)
Robins Air Force Base Georgia


MEMORANDUM FOR AB [REDACTED], 19AGS

FROM: 19 AGS/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. I am recommending that your service be characterized as General.
2. My reasons for this action are:
 - a. On 25 Apr 02, you attempted to gain entry onto Robins Air Force Base while in possession of contraband items. Specifically, you had in your possession two shotguns and one hunting knife in your vehicle. You then made a false official statement. On this same occasion, you were driving a vehicle while under the influence of alcohol. On 3 May 02, you received an Article 15, Nonjudicial Punishment (NJP) for this misconduct.
 - b. On 11 Jan 01, you wrongfully possessed a 12 gauge Mossburg shotgun and three shotgun shells in your dormitory room and received punishment under the Uniform Code of Military Justice (UCMJ); specifically, an Article 15.
 - c. On 25 Feb 00, you consumed alcohol while under the age of legal age of 21. For this misconduct, you received a Letter of Reprimand (LOR) and an Unfavorable Information File (UIF) was established.
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 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.
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, **the Area Defense Counsel, at building 368, ext 6-5852, on 15 Jul 02 at 1330 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 _____ hours on _____ unless you request and receive an extension for good cause shown. I will send those 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 physical examination on 16 Jul 02 at 0715, Building 700A.** You must be in uniform and on time in order to keep the scheduled appointment.
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 at the Area Defense Counsel or your unit orderly room.
9. You have been scheduled for an initial briefing at separations with A1C Polhemus, Bldg 905, 7-7348, on 15 Jul 02 at 1530 hours. Please bring an escort from your section for assistance.

, Lt Col, USAF
Commander

Attachments:

1. Documents Supporting Discharge
 - a. AF Form 3070, dtd 3 May 02
 - b. AF Form 3070, dtd 24 Jan 01
 - c. AF Form 1058, dtd 13 Mar 00
 - d. LOR, dtd 13 Mar 00
2. Airman's Receipt of Notification Memorandum