

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE		AFSN/SSAN [REDACTED]	
TYPE		PERSONAL APPEARANCE		X RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No				
	X				
MEMBER SITTING				VOTE OF THE BOARD	
				HON	GEN
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A94.05		INDEX NUMBER A67.30		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 DATE 24 Nov 2003		CASE NUMBER FD-2003-00227			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
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]					
ENDORSEMENT DATE: 11/25/2003					
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00227

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 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 the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for driving while drunk. Additionally, the applicant also had a second DUI based on comments in a referral OER. The case file was missing most of the discharge documents. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 DISCHARGE DOCUMENTS

(Former CAPT) (HGH CAPT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 JUN 00 UP AFI 36-3207, para 3.6.4 (Misconduct - Commission of a Serious Military or Civilian Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 3 Nov 71. Comm Age: 22 6/12. Disch Age: 28 7/12. Educ: BA. AFOQT: P - 85, N - 87, A - 88, V - 72, Q - 94. PAFSC: 011R3A - Reconnaissance/Surveillance/Electronic Warfare Pilot. DAS: 18 Mar 96.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Appointed as 2Lt 1 Jun 94 and ordered to EAD. Svd: 6 Yrs 0 Mo 23 Das, all AMS.

b. Grade Status: Capt - 1 Jun 98
 1Lt - 1 Jun 96

c. Time Lost: None.

d. Art 15's: (1) 4 Sep 97, Vance AFB, OK - Article 111. You did, on or about 26 Jul 97, at the Hairston Gate, physically control a motor vehicle, to wit: a Chevrolet S-10 Blazer passenger vehicle, while drunk, as shown by breathalyzer results of 0.22 percent. Forfeiture of \$750.00 pay per month for two months, and a reprimand. (No appeal) (No mitigation)

e. Additional: (Examiner's Note: Applicant had a second DUI based on comments in a referral OER (12 Jun 99), which states, "Capt Messerli was convicted by a District Court for driving while intoxicated").

f. CM: None.

g. Record of SV: 01 Jun 94 - 31 May 95 Tinker AFB YE (Annual)
 01 Jun 95 - 31 May 96 Tinker AFB YE (Annual)
 01 Jun 96 - 18 Feb 97 Tinker AFB YE (CRO)
 13 Jun 98 - 12 Jun 99 Tinker AFB NE (Annual) REF
 13 Jun 99 - 12 Jun 00 Tinker AFB YE (Annual)

(Discharged from Tinker AFB)

h. Awards & Decs: AFAM, AFCM, AFLSA W/1 OLC, AFTR, NDSM, HSM, SAEMR W/1 DEV, AFEM, AFOUA.

i. Stmt of Sv: TMS: (6) Yrs (0) Mos (23) Das
TAMS: (6) Yrs (0) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 May 03.
(Change Discharge to Honorable)

ISSUE: My discharge was characterized based on 2 isolated events and does not correctly characterize the entire span of my service to the Air Force.

ATCH

1. Applicant's Statement.
2. Character References.

1 Jul 03/cr