

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE AB	AFSN/SSAN
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW								
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YES	NO									
	X									

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

ISSUES A94.05, A92.15	INDEX NUMBER A67.10	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="background-color: #cccccc; padding: 2px; text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 2px; text-align: center;">1</td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 2px; text-align: center;">2</td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 2px; text-align: center;">3</td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px; text-align: center;">4</td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">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 25 JUL 03	CASE NUMBER FD2003-00228																	

APPLICANT'S ISSUE AND THE BOARD'S DECISION ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD'S EXAMINATIONAL REPORT.

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
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INDORSEMENT	DATE: 25 JUL 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

FD2003-00228

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for discharge, and to change his reenlistment code.

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, change of reason and authority for the discharge, and change of reenlistment code are 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 traffic ticket. His misconduct included two incidents of underage drinking, parking in a restricted area, and making a false official statement. 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.

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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 31 May 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and Change to Reentry Code, Reason and Authority).

2. **BACKGROUND:**

a. DOB: 21 Jun 81. Enlmt Age: 20 1/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-96, E-91, G-90, M-95. PAFSC: 2T331 - Special Purpose Vehicle and Equipment Maintenance. DAS: 7 Aug 01.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 24 Jul 01 for 4 yrs. Svd: 0 Yrs 10 Mos 8 Das, all AMS.

b. Grade Status: AB - 29 Nov 01 (Article 15, 29 Nov 01)

c. Time Lost: None.

d. Art 15's: (1) 16 May 02, Charleston AFB, SC - Article 92. You, who knew of your duties, on or about 19 Apr 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do. Article 107. You, did, on or about 19 Apr 02, with the intent to deceive, make a false official statement to Security Forces Personnel via AF Form 1168, to wit: that you were not drinking alcohol, or words to that effect, which statement was totally false, and was then known by you to be so false. Forfeiture of \$552.00 pay, a reprimand, and restriction for 14 days. (No appeal) (No mitigation)

(2) 29 Nov 01, Charleston AFB, SC - Article 92. You, who knew of your duties, on or about 1 Nov 01, were derelict in the performance of those duties in that you negligently failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do. Reduction to the grade of AB, and a reprimand. (No appeal) (No mitigation)

e. Additional: TRAFFIC TICKET, 9 SEP 01 - Parking in a prohibited area.

f. CM: None.

g. Record of SV: None.

(Discharged from Charleston AFB)

h. Awards & Decs: NDSM.

i. Stmt of Sv: TMS: (0) Yrs (10) Mos (8) Das

TAMS: (0) Yrs (10) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Mar 03.

(Upgrade Discharge to Honorable, and Change to Reentry Code, Reason and Authority)

Issue 1: I am requesting this upgrade of my military discharge so that I can re-enlist and continue my military career. I feel the level of punishment for the two offenses was too severe considering neither event caused any harm or disruption and could have very easily went unnoticed (sic) as many do every day.

Issue 2: I'm not 21 years old, trained as a heavy equipment maintenance technician. Aside from two uneventful underage drinking offenses my service with the U.S. Air Force was exemplary. With the current national situation at hand, I am hoping the government can excuse my poor decision making and re-coop the many thousands of dollars invested in a qualified war-ready airman.

ATCH

None.

11 Jun 03/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 437TH AIRLIFT WING (AMC)

FD2003-00228

28 MAY 2002


MEMORANDUM FOR AB [REDACTED] 437 LGT

FROM: 437 LGT/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 for discharge 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 19 Apr 02, you willfully failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do. In addition, on or about 19 Apr 02, with the intent to deceive, you made a false official statement to Security Forces Personnel to wit: that you said you were not drinking alcohol, or words to that effect, which statement was totally false, and was then known by you to be false. For this conduct, you received an Article 15 w/atchs, dated 16 May 02 (Atch 1a).
 - b. On or about 1 Nov 01, you negligently failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do. For this conduct, you an Article 15 w/atch, dated 29 Nov 01 (Atch 1b).
 - c. On 9 Sep 01, you parked in a prohibited area. For this conduct, you received a verbal counseling, which is documented on an Armed Forces Traffic Ticket, dated 9 Sep 01 (Atch 1c).
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 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. An appointment will be made for you to consult the Area Defense Counsel, Building 503, Room 119 upon issuance of this notification. 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 31 May 2002 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 separation briefing at Personnel Relocations, Building 503, Room 205 at 1330 on 28 May 02.
8. A medical examination has been scheduled for you. You are directed to report to the 437th Medical Group, Physical Exams at 0730 on 29 May 02 for the examination.
9. Your Transition Assistance Briefing is scheduled at 1500 on 29 May 02, in the Family Support Center, Building 255, with Mrs. Lankosz.
10. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974 as explained in AFI 36-3208. A copy of AFI 36-3208, Administrative Separation of Airmen is available for your use at the 437th Transportation Squadron Orderly Room.
11. Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Commander

Attachments:

1. Documents Supporting Basis for Discharge
 - a. Article 15 w/atchs, dated 16 May 02
 - b. Article 15 w/atchs, dated 29 Nov 01
 - c. Armed Forces Traffic Ticket, dated 9 Sep 01
 - d. UIF Summary
2. Other Derogatory Information
 - a. Suspension of Base Driving Privileges w/atchs, dated 1 Nov 01
3. Airman's Receipt of Notification Memorandum