

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	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						
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			
HEARING DATE 31 JUL 03		CASE NUMBER FD2003-0229		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 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 J [REDACTED]				
INDORSEMENT					DATE: 31 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

FD03-0229

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change the Reason and Authority for discharge and 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 was a good worker and his behavior occurred off-duty. The record indicates the applicant received two Article 15s, the first one for being AWOL and failure to pay his credit card payment. The second one for receiving a DWI. In addition, he received a Vacation action for a previous offense under the UCMJ. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 JUL 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 27 Dec 78. Enlmt Age: 19 8/12. Disch Age: 21 7/12. Educ: HS DIPL. AFQT: N/A. A-86, E-37, G-52, M-36. PAFSC: 1T131 - Aircrew Life Support Apprentice. DAS: 7 Apr 99.

b. Prior Sv: (1) AFRes 22 Sep 98 - 23 Nov 98 (2 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Nov 98 for 4 yrs. Svd: 1 Yrs 8 Mo 5 Das, all AMS.

b. Grade Status: AB - 10 Jul 00 (Article 15, 10 Jul 00)
AMN - 22 May 00 (Vacation of Article 15, 27 Jun 00)
A1C - 24 Mar 00
AMN - 24 May 99

c. Time Lost: None.

d. Art 15's: (1) 10 Jul 00, Davis-Monthan AFB, AZ - Article 111. You did, on or about 18 Jun 00, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was 0.10 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Reduction to AB. (No appeal) (No mitigation)

(2) 27 Jun 00, Vacation, Davis-Monthan AFB, AZ - Article 92. You did, on or about 16 Jun 00, fail to obey a lawful general regulation, to wit: paragraph 3.3.1.1., AFI 33-119, dated 1 Mar 99, by wrongfully causing congestion on the network by using a government computer system to send a chain letter via email to four groups of Air Force personnel for personal financial gain. Reduction to Amn. (No appeal) (No mitigation)

(3) 22 May 00, Davis-Monthan AFB, AZ - Article 86. You, did, on or about 4 May 00, without authority, absent yourself from your place of duty at which you were required to be, and did remain so absent until on or about 8 May 00. Article 92. You, did, from on or about 1 Mar 00 to on or about 12 May 00, fail to obey a lawful

general regulation, to wit: paragraph 22, AFI 65-104, dated 1 May 96, by wrongfully failing to pay your Government Nationsbank Visa credit card. Suspended reduction to Amn, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

(Discharged from Davis-Monthan AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (7) Das
TAMS: (1) Yrs (8) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 May 03.

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

Issue 1: I am requesting that my discharge be upgraded, because I was discharged not for being a hard worker. I worked extremely hard and gave a 110%. As you can see in my records my discharge was due to my behaviors (sic) mainly off duty, which I recognized and regret. I can't make excuses for myself but do wish for you to understand that I would like to better my life as well as my families. This change in my discharge would allow me to get the job that I have been chasing for the past 3 years at the Airport as well as a Reservist for the military. Thank you.

ATCH
None.

26JUN03/ia



FD 2003 - 00229
DEPARTMENT OF THE AIR FORCE
43D ELECTRONIC COMBAT SQUADRON (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

17 Jul 00

MEMORANDUM FOR AB [REDACTED], 43 ECS

FROM: 43 ECS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically 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 may be characterized as honorable or under honorable conditions (general). I am recommending your service be characterized as general.

2. My reasons for this action are:

a. On or about 18 Jun 00, you drove while intoxicated. As a result, you received punishment under Article 15 of the UCMJ and an entry was made in your existing Unfavorable Information File (UIF) (Tab A).

b. On or about 16 Jun 00, you failed to obey a lawful general regulation, by wrongfully causing congestion on the network by using a government computer system to send a chain letter via e-mail to for personal financial gain. As a result, you received a Vacation of Suspended Nonjudicial Punishment action (Tab B).

c. Between on or about 4 May 00 and on or about 8 May 00, you were absent without authority from your place of duty at which you were required to be. Also, from on or about on 1 Mar 00 to on or about 12 May 00, you wrongfully failed to pay your Government Nationsbank Visa credit card. As a result, you received punishment under Article 15 of the UCMJ and a UIF was established (Tab C).

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 and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. The Area Defense Counsel (ADC) at 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult with the

Global Power for America

ADC on 18 Jul 00, at 0800 hours. In addition to military counsel, you have the right to employ 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 _____ unless you request and receive an extension for good cause shown. I will send them to the separation authority.

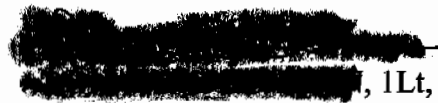
6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the Physical Exams Office of the Aeromedical Facility, Bldg 400, Rm 13, at 1050⁰⁷³⁰, on 19 Jul 00, for the examination.

8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 14, at 1000 on 18 Jul 00 for the briefing. If you have questions, please call them at 228-5366.

9. 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's office, Bldg 3510.

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


_____, 1Lt, USAF
Commander

Attachments:

1. Supporting Documents
 - a. Art 15, 10 Jul 00 (3 pages); AF Form 1137
 - b. Vacation of Suspended Nonjudicial Punishment (3 pages), 27 Jun 00
 - c. Art 15, 22 May 00 (3 pages); AF Form 1137
2. Airman's Receipt of Notification Memorandum