

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> AB	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>NO</b>	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		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.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>INDORSEMENT</b>	<b>DATE: 8 AUG 03</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD03-0243

**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.

**ISSUES:** Applicant does not contest his discharge; he states that he has been punished enough, and he wants to return to the military. The record indicates the applicant received an Article 15 for DWI, underage drinking and reckless driving. In addition, he also received two Letters of Reprimand for missing an appointment and for being late for work. 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]  
[REDACTED]  
(Former AB) (HGH A1C)

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

2. **BACKGROUND:**

a. DOB: 19 Apr 80. Enlmt Age: 18 4/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-31, E-43, G-48, M-56. PAFSC: 3P031 - Security Forces Apprentice. DAS: 12 Jul 99.

b. Prior Sv: (1) AFRes 21 Aug 98 - 2 Feb 99 (5 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Feb 99 for 6 yrs. Svd: 1 Yrs 0 Mo 27 Das, all AMS.

b. Grade Status: AB - 29 Dec 99 (Article 15, 29 Dec 99)  
A1C - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 29 Dec 00, F.E. Warren AFB, WY - Article 92. You, who knew of your duties, on or about 10 Dec 99, was derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol while underage, as it was your duty to do. You, who knew of your duties, on or about 10 Dec 99, was derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the legal drinking age of 21 years, as it was your duty to do. You, who knew of your duties, between on or about 20 Dec 99 and on or about 21 Dec 99, was derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol while underage, as it was your duty to do. You, who knew of your duties, between on or about 20 Dec 99 and on or about 21 Dec 99, was derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the legal drinking age of 21 years, as it was your duty to do. Article 111. You, did, on or about 10 Dec 99, at 5<sup>th</sup> Cavalry in the Housing Office parking lot physically control a vehicle, to wit: a 1990 Ford Truck [REDACTED] while the alcohol concentration in your breath was 0.031 grams of alcohol per 210 liters of breath or greater as

shown by Imoxilimeter EC/IR in a recless manner by driving without your headlights being operational after midnight. Reduction to AB, 45 days restriction, and 45 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 25 JAN 00 - Late for work.  
LOR, 20 JAN 00 - Missed appointment.
- f. CM: None.
- g. Record of SV: None.

(Discharged from F.E. Warren AFB)

- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (1) Yrs (6) Mos (9) Das  
TAMS: (1) Yrs (0) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 May 03.  
(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: On 2000 Mar 01 I was discharged for under age drinking. I was guilty but know 3 years down the road I feel that I have been punish (sic) enough! The one thing I loved has been taken from me (serving my country). I know it was my own falt (sic) so I can't place the blame on anyone but myself. Since then I have corrected my ways. I was a good soldier and know(sic) matter what I always gave it my all. Since my discharge I held down some good paying jobs, but my heart & pride are still in the U.S. Military. My patriotizm (sic) for this country can not even be discribed (sic) in words. It hurt me so much to see my brothers and sisters go to war and defend our great nation and the only thing I could do was pray & watch on T.V. I still have alot (sic) of friends in the military and I keep I (sic) touch with all of them. They all know & love me & vice versa. If yall (sic) knew me like they & everyone else does there wouldn't be a question in your mind about letting me get back in the military. I just hope my statement & my character refernces (sic) will help me acheive (sic) that. Please have mercy on a young man who's only desire is to get back in the military & serve our country. God bless the U.S.A.

**ATCH**

1. DD Form 214.
2. Training Certificate.
3. Certificate of Recognition.
4. Training Certificate.
5. Three Character References.

19JUN03/ia



FD2003-00243

DEPARTMENT OF THE AIR FORCE  
90TH SPACE WING (AFSPC)

10 FEB 2000

MEMORANDUM FOR AB [REDACTED]

FROM: 319 MS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable, under honorable conditions (general), or under other than honorable conditions. I am recommending that your service be characterized as an under honorable conditions (general).

2. My reasons for this action are:

a. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 25 Jan 00, fail to show for duty on time. For this conduct, you received a Letter of Reprimand (LOR), dated 25 Jan 00.

b. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 18 Jan 00, miss a scheduled Mental Health appointment. For this conduct, you received an LOR, dated 20 Jan 00.

c. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 1 Jan 00, fail to sign in at 0600hrs for your extra duties. For this conduct, you received an LOR, dated 4 Jan 00 and it was placed in your existing Unfavorable Information File (UIF).

d. For the following conduct, you received an Article 15 dated ~~4 Jan 00~~  
30 Dec 99

(1) You, who knew of your duties, at or near Francis E. Warren Air Force Base, Wyoming, on or about 10 Dec 99, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol while underage, as it was your duty to do.

(2) You, who knew of your duties, at or near Francis E. Warren Air Force Base, Wyoming, on or about 10 Dec 99, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the legal drinking age of 21 years, as it was your duty to do.

(3) You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 10 Dec 99, physically control a vehicle while the alcohol concentration in your breath was 0.031 grams of alcohol per 210 liters of breath or greater as shown by Intoxilimeter EC/IR in a reckless manner by driving without your headlights being operational after midnight.

(4) You, who knew of your duties, at or near Francis E. Warren Air Force Base, Wyoming, between on or about 20 Dec 99 and on or about 21 Dec 99, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcohol while underage, as it was your duty to do.

(5) You, who knew of your duties, at or near Francis E. Warren Air Force Base, Wyoming, between on or about 20 Dec 99 and on or about 21 Dec 99, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the legal drinking age of 21 years, as it was your duty to do.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 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 with an attorney at the Area Defense Counsel's Office at Building 292, extension 3248, on 10 FEB 00 at 0830 hrs. 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 within three workdays after receipt of the notification memorandum, that date being 15 FEB 00, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

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 Physical Exams at 0700 hours, on 11 FEB 00 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 your Command Support Staff office.

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



Lt Col, USAF  
Commander, 319th Missile Squadron

Attachments:

1. LOR, dated 25 Jan 00
2. LOR, dated 20 Jan 00
3. AF Form 1058 w/Atch, dated 10 Jan 00
4. Article 15, dated 29 Dec 99