

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A95.00	INDEX NUMBER A69.00	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	
HEARING DATE 21 Aug 2003	CASE NUMBER FD-2003-00290		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

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]	SIGNATURE OF PRESIDENT [REDACTED]
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INDORSEMENT		DATE: 08/21/2003
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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00290

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received a General Discharge via a Summary Court Martial for wrongfully communicating a threat to kill someone and for being drunk and disorderly. The member was diagnosed with an alcohol problem; however, he disagreed with his diagnosis of alcoholism and did not feel that he needed treatment. He refused to participate in the ADAPT (Alcohol and Drug Abuse Prevention and Treatment) program. The record also indicates the applicant had a history of alcohol related incidents. He was enrolled in a substance abuse seminar in August of 2001. The record also shows the applicant signed a letter of declination for the ADAPT program, though a copy of that letter is not in the record. However, a letter from the ADAPT Program Manager clearly indicates the applicant declined treatment. "Member declared his intent at this point to formally decline treatment. Member signed a treatment declination statement after discussing the actions required of the ADAPT program." The Program Manager further states, "the member should be considered for administrative separation for not maintaining standards."

The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of 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 25 Jun 02 UP AFI 36-3208, para 5.32 (Failure in Alcohol Abuse Treatment) . Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 2 Dec 80. Enlmt Age: 19 6/12. Disch Age: 21 6/12. Educ:HS DIPL. AFQT: N/A. A-79, E-72, G-68, M-56. PAFSC: 2A137 - Electronic Warfare Systems Apprentice. DAS: 16 May 01.

b. Prior Sv: (1) AFRes 30 Jun 00 - 1 Aug 00 (1 Month 2 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 2 Aug 00 for 6 yrs. Svd: 1 Yr 10 Mos 24 Das, of which AMS is 1 Yr 9 Mos 29 Das (Ex: 25 Das)

b. Grade Status: AB - 4 Apr 02 (Summary Court Martial, 25 Feb 02)
A1C - 15 Sep 00

c. Time Lost: 25 Feb 02 - 21 Mar 02 (25 Days)

d. Art 15's: None.

e. Additional: None.

f. CM: Summary Court Martial, 25 Feb 02.

CHARGE: Article 134. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Misawa Air Base, Japan, on or about 1 Jan 02, wrongfully communicate to Petty Officer Second Class [REDACTED] a threat, to wit: "I'm going to fucking kill you...I am going to shoot you," or words to that effect.

Specification 2: Was, at or near Misawa Air Base, Japan, on or about 1 Jan 02, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. Reduction to AB, and 30 days confinement. Sentence approved by convening authority, 7 Mar 02.

g. Record of SV: 2 Aug 00 - 2 Apr 02 Misawa AB 2 (Initial) REF

(Discharged from Misawa AB)

h. Awards & Decs: AFTR, NDSM, AFOUA.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (2) Das
TAMS: (1) Yrs (9) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Jun 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH

1. Medical Statement.
2. Applicant's Statement.

18 Jul 03/cr

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

20 MAY 2002

MEMORANDUM FOR AB [REDACTED], 35 MXS

FROM: 35 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Substance Abuse Treatment Failure - Failure in Alcohol Abuse Treatment in accordance with AAFP 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, under the provisions of paragraph 5.32. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as general.
2. My reason for this action is that on 23 Jan 02, you were diagnosed by Capt [REDACTED], 35 MDOS/SGOH, with Axis I: Alcohol Abuse Episodic [305.02], R/O Alcohol Dependence [303.90], and Axis V: GAF=65. (see atch. 2).
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 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 Captain [REDACTED] the Area Defense Counsel, at Building 514, on 29 MAY, 2002, at 1300 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 within three workdays of your receipt of this Notification Memorandum, unless you request and receive an extension for good cause. I will forward them to the separation authority.
6. If you fail to consult counsel or to submit statements in your own behalf, within the time allotted, your failure shall constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to the 35th Medical Group, on 31 MAY, 2002, at 1430 hours. If you wear glasses, you must bring your

glasses to the examination. If you wear contacts, you must remove them the night before 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 at the Office of the Area Defense Counsel, Building 514, your orderly room, or the Base Publications Library.

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


Lt Col, USAF
Commander, 35th Maintenance Squadron

Date 29 May 02

Attachments:

1. Airman's Receipt of Notification
2. Statement of Medical Condition, dated 8 May 02
3. Commander's Report of Disciplinary Action, dated 2 May 02