

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES A92.15 A92.01	INDEX NUMBER A67.10	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 24 Sep 2003	CASE NUMBER FD-2003-00299	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'S 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 BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 9/24/2003
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 COMMAND DR, 3RD FLOOR WAS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00299

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

Issues. Applicant was discharged for misconduct, minor disciplinary infractions. He had two Articles 15; one for failure to go and another for failing to pay his government travel card debt. Additionally, member was permanently decertified from the Personnel Reliability Program for intentionally overdosing on his prescribed Zoloft in combination with alcohol for the purpose of getting "high." Member was hospitalized for this incident and it was first believed to be a suicidal gesture. Member had the prescription because he had been diagnosed with an adjustment disorder with depressed mood and occupational problems. At the time of the discharge, member waived his right to consult counsel and submit a statement in his own behalf. Applicant now contends he had a good service record and should be given an upgrade. The Board noted member had several opportunities to improve his behavior, and he was age 21 to 22 when his offenses occurred, the same age as other airmen who adhere to standards. He was counseled in an effort to help him correct his deficiencies. In spite of those rehabilitative efforts, he was unwilling or unable to improve his behavior. The Board concluded applicant knew right from wrong and was responsible for his actions, and therefore was held accountable for them. No inequity or impropriety was found in this discharge in the course of the records review.

Applicant cited his desire to return to military service. While the Board commends applicant on this aspiration, this is not relevant to the period of service under review and therefore, does not provide a basis for an upgrade.

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

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 2 Aug 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, Change in RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 15 Jul 80. Enlmt Age: 18 1/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-56, E-41, G-46, M-49. PAFSC: 3P051 - Security Forces Journeyman. DAS: 23 May 00.

b. Prior Sv: (1) AFRes 31 Aug 98 - 8 Dec 98 (3 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Dec 98 for 6 yrs. Svd: 3 Yrs 7 Mo 25 Das, all AMS.

b. Grade Status: AMN - 8 Jul 02 (Article 15, 8 Jul 02)
SRA - 22 May 01
A1C - 22 Jan 99

c. Time Lost: None.

d. Art 15's: (1) 8 Jul 02, McGuire AFB, NJ - Article 86. You, did, on or about 27 Apr 02 and on or about 7 May 02, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Check Point 9. Reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

(2) 27 Dec 01, McGuire AFB, NJ - Article 134. You, being indebted to Bank of America Government Visa, in the sum of \$119.68, for charges and fees, which became due and payable on or about 1 Sep 01, did, from on or about 1 Sep 01 to on or about 18 Dec 01, dishonorably fail to pay said debt. Suspended reduction to A1C, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: (Examiner's Note: EPR covering the period of 9 Dec 98 to 1 Aug 00 is missing from the file. However, it is listed as a rating of 5 in the Recommendation for Discharge letter).

2 Aug 00 - 1 Aug 01 McGuire AFB 5 (Annual)

(Discharged from McGuire AFB)

h. Awards & Decs: AFTR, AFOSSTR, NDSM, AFOUA W/3 OLCS.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (5) Das
TAMS: (3) Yrs (7) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Jun 03.

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

Issue 1: Request my discharge be upgraded to Honorable. Also request RE Code be changed to a waiverable so I may rejoin the Air Force. Request change to Secretarial Authority.

I have good evaluations when I was in the Air Force. My records should speak for itself. I realize I made a mistake and be punished but not so severe. I thank you in advance for your time.

ATCH

1. DD Form 214.
2. Two AF Forms 3070.
3. Appeal Election Extension.
4. DD Form 4.

30JUL03/ia



DEPARTMENT OF THE AIR FORCE
305th Security Forces Squadron (AMC)

JUL 24 2002

MEMORANDUM FOR [REDACTED]

FROM: 305 SFS/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 may be characterized as Honorable or General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. You failed to pay a debt that was due on or about a 01 Sep 01. For this offense you received an Article 15 in violation of Article 134, dated 26 Dec 01.

b. Between on or about 27 Apr 02 and on or about 07 May 02, you failed to go at the time prescribed to your appointed place of duty, to wit: Check Point 9. For this offense, you received an Article 15 in violation of Article 86, dated 8 Jul 02.

3. 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 the Area Defense Counsel, at Bldg 2906, first floor, on 25 JUL 02 at 0930 hrs. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 29 JUL 02 (3 workdays from the date of this memorandum) unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to AAHC on 29 JUL 02 at 0730.

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7. 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 the squadron orderly room.

 SAE

Commander

Attachments:

1. Article 15, dated 19 Dec 01
2. Article 15, dated 17 Jun 02