

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
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
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 A94.06	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 08 Oct 2003	CASE NUMBER FD-2003-00314		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

+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT **DATE: 10/9/2003**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00314

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.

Issue. Applicant infers discharge was inequitable because it was too harsh. The records indicated the applicant received two Letters of Reprimand and an Article 15. His misconduct included one incident of underage drinking, failure to out-process when required for a reassignment, and failure to go to an assigned detail. These three incidents all occurred within a 2-month period. After a thorough and complete consideration of the information submitted by the applicant and contained in the records, the Board concluded there was sufficient mitigation to substantiate upgrade of, and change of reason for the discharge. Specifically, the Board found the characterization was too harsh.

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. However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason for discharge should be changed to Honorable and Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

MISSING MEDICAL RECORDS
(Former AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 23 Dec 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 4 Jan 82. Enlmt Age: 19 10/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-55, E-44, G-39, M-35. PAFSC: 3P011 - Security Forces Helper. DAS: 17 Jun 02.

b. Prior Sv: (1) AFRes 15 Nov 01 - 29 Apr 02 (5 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Apr 02 for 6 yrs. Svd: 0 Yrs 7 Mo 24 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 17 Sep 02, Lackland AFB, TX - Article 92. You, who knew of your duties, on or about 6 Sep 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the legal age of 21, as it was your duty to do. Forfeiture of \$257.00. (No appeal) (No mitigation)

e. Additional: LOR, 19 NOV 02 - Failure to obey orders.
LOR, 25 OCT 02 - Failure to obey orders.

f. CM: None.

g. Record of SV: None.

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (1) Mos (9) Das
TAMS: (0) Yrs (7) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Jul 03.

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Congressional Correspondence.
3. Two Character References.

6AUG03/ia

SAF MIBR
550 C Street West Suite 40
Randolph AFB, TX 78150-4742

Dear Sir or Madam:

I am writing this letter in order to get my discharge upgraded from general under honorable conditions to honorable. I know that Under Age Drinking is wrong; I will not try to justify that. It was a mistake that I wish I could have back. When I got my orders I was missing a piece of paper that I needed in order to out process. When I asked how to get what I needed I was laughed at. So when I got what I needed I was ready to go but, it was the weekend, so that Monday morning I went to eat breakfast and when I returned my roommate locked my clothes in his locker and he went to class.

I did not see him until later that day. So the next day I out-processed the base and was ready to leave. Then I was told that I could not leave because they were investigating a friend of mine for allegedly stealing play-stations, and I was told I could not leave until the investigation was completely over. So when the investigation was over it was the day that I was cleaning my room and was late for my detail. The person I shared a room with did not do his half and our room had been trashed before because of him.

After this happened I was told I was being discharged from the Air Force. I was told the final decision was up to the group commander and that when he made his decision I would hear from them again. I was never informed of his decision and I was told that they did not know so they were going to move forward with the discharge. I would like the opportunity to prove this type of incident will never happen again. I was a young, 20 year old who made some mistakes and needed a wake up call to see what's important in life and my discharge was that call that woke me up. So I ask the board to please upgrade my discharge to honorable.

Respectfully,

[REDACTED]

[REDACTED]



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

02 DEC 2002

MEMORANDUM FOR AB [REDACTED]

FROM: 343 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.49. 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 reasons for this action are:

a. On 6 Sep 02, you were derelict in the performance of your duties in that you willfully failed to refrain from consuming alcohol while under the age of 21, in violation of Article 92, Uniform Code of Military Justice (UCMJ). As a result, you received an Article 15 dated 17 Sep 02 and your punishment was forfeiture of \$257.00 pay.


b. On 21 Oct 02, you failed to complete your base out-processing, thus disobeying a lawful order, in violation of Article 92, UCMJ. As a result, you received a Letter of Reprimand dated 25 Oct 02 02.

c. On 19 Nov 02, you failed to obey orders and regulations by not being at your assigned detail, in violation of Article 92, UCMJ. As a result, you received Letter of Reprimand dated 19 Nov 02

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, if you are discharged, and 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 counsel. Military Legal Counsel has been obtained for you. I have made an appointment for you to consult the Area Defense Counsel at Building 1000, on 2 Dec 2002 at 0800 hours. You may consult civilian counsel at your own expense. If employed, civilian counsel must be readily available.

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 5 Dec 02, 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 statement 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 Bldg 6612, Room 502, Monday – Friday between 1300 – 1500 hours with your medical, immunization, and dental records 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 at the Commander's Support Staff.
9. Execute the attached acknowledgment and return it to me immediately.


Capt, USAF
Commander, Military Training Flight

Attachments:

1. AF Form 3070 dated 17 Sep 02
2. Letter of Reprimand dated 25 Oct 02
3. Letter of Reprimand dated 19 Nov 02