

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE		AFSN/SSAN		
[REDACTED]		[REDACTED]		[REDACTED]		
TYPE	PERSONAL APPEARANCE			X RECORD REVIEW		
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
					X
					X
					X
					X

ISSUES A94.05		INDEX NUMBER A67.90		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		CASE NUMBER		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
12 Nov 2003		FD-2003-00320		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

[Handwritten Signature]

INDORSEMENT		DATE: 11/13/2003
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

FD-2003-00320

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s for drinking while under the legal age. Additionally, he received a Letter of Reprimand for a conviction in a local court for driving while intoxicated and underage drinking. 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 characterization of the discharge received by the applicant was found to be appropriate.

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 7 Jun 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 Jul 81. Enlmt Age: 18 4/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-57, E-39, G-39, M-49. PAFSC: 3E331 - Structural Apprentice. DAS: 30 Dec 00.

b. Prior Sv: (1) AFRes 23 Nov 99 - 20 Jun 00 (6 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Jun 00 for 6 yrs. Svd: 1 Yrs 11 Mo 17 Das, all AMS.

b. Grade Status: AB - 9 Apr 02 (Article 15, 9 Apr 02)
A1C - 4 Aug 00

c. Time Lost: None.

d. Art 15's: (1) 9 Apr 02, Edwards AFB, CA - Article 92. You, who knew of your duties, on or about 24 Mar 02, were derelict in the performance of those duties in that you willfully failed to abstain from drinking alcohol while under the age of 21, as it was your duty to do. Reduction to AB, 45 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 11 Oct 01, Edwards AFB, CA - Article 92. You, who knew or should have known of your duties, on or about 15 Sep 01, were derelict in the performance of those duties in that you willfully failed to abstain from drinking alcohol while under the age of 21, as it was your duty to do. You, did, on or about 15 Sep 01, violate a regulation, to wit: para 2.1.1.2, AFI 31-204, dated 14 Jul 01, by wrongfully operating a passenger vehicle without a valid state driver's license. Suspended reduction to Airman, 15 days restriction, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 13 DEC 00 - Conviction in a local court for driving while intoxicated and underage drinking.

f. CM: None.

g. Record of SV: 21 Jun 00 - 20 Feb 02 Edwards AFB 3 (Initial)REF

(Discharged from Edwards AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (16) Das
TAMS: (1) Yrs (11) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Jun 03.
(Change Discharge to Honorable)

Issue 1: Received General under honorable for underage drinking. I would like it changed to honorable since then I have quit drinking.

ATCH

1. Memorandum, Written Presentation - Discharge Proceeding, 22 May 02.
2. Eight Character References.
3. DD Form 214.

14AUG03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 95TH AIR BASE WING (AFMC)
EDWARDS AIR FORCE BASE, CALIFORNIA

FD 2003-00320

MEMORANDUM FOR [REDACTED] 795 CES

FROM: 795 CES/CC

20 May 02

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct (Conduct Prejudicial to Good Order and Discipline). The authority for this action is AFPD 36-32 and AFI 36-3208, para 5.50.2. If my recommendation is approved, your discharge will be characterized as either honorable or under honorable conditions (general). I am recommending an under honorable conditions (general) discharge.

2. My reasons for discharging you are:

a. On 12 Dec 00, you were convicted in local civil court of driving while intoxicated and underage drinking, as evidenced by a Letter of Reprimand dated 13 Dec 00 and establishment of an Unfavorable Information File. (Atch 1.1)

b. On 15 Sep 01, you willfully failed to abstain from drinking alcohol while under the age of 21 and wrongfully operated a vehicle without a valid driver's license, as evidenced by an AF Form 3070 (Article 15) dated 11 Oct 01. (Atch 1.2)

c. On 24 Mar 02, you willfully failed to abstain from drinking alcohol while under the age of 21, as evidenced by an AF Form 3070 (Article 15) dated 9 Apr 02. (Atch 1.3)

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 convening authority (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.


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 [REDACTED] at Bldg 2670 on 21 May at 0900. 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 by 23 May 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 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 Examination Section, Flight Surgeon's Office, Bldg 3925 at 0730 on 22 MAY 02 for the examination.
0845

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 the Orderly Room.



Commander

Attachments:

1. Supporting Documentation
 - 1.1 LOR dated 13 Dec 00; UIF
 - 1.2 AF Form 3070 (Article 15) dated 11 Oct 01
 - 1.3 AF Form 3070 (Article 15) dated 9 Apr 02
2. Airman's Receipt of Notification/Recoupment Memorandum
3. Airman's Statement