

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE SRA	AFSN/SSAN ██████████
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TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	██████████ American Legion	██████████ WASHINGTON DC 20006
X			

MEMBER SITTING	VIEW OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
	X				
	X				
	X				
	X				
	X				

ISSUES A92.22 A92.16 A92.12 A92.20	INDEX NUMBER A67.00	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
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE 25 Mar 2004	CASE NUMBER FD-2003-00324	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL OPTION ARE DISCLOSED ONLINE AND THE BOARD DECISION IS FINAL

Case heard at Washington, D.C.

Advise applicant of the decision of the Board.

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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

FD2003-00324

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

The applicant appeared and testified before the Discharge Review Board with counsel at Andrews AFB, MD, on March 26, 2004.

The following additional exhibits were submitted at the hearing:

Exhibit 5: University of Phoenix Transcript

Exhibit 6: Marriage Certificate

Exhibit 7: Son's Birth Certificate

Exhibit 8: Deed Documentation

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.

Issues. Applicant received an under honorable conditions (general) discharge for discreditable involvement with military or civil authorities, namely two off-base, civilian convictions for driving while intoxicated. Applicant now contends the discharge was inequitable because it was inconsistent with his good character and performance while in the military as well as inconsistent with his post-service character and conduct. While both at the time of the discharge and during his testimony applicant admitted his wrongdoing, he noted it was due to an error in judgment in what was otherwise an exemplary period of service. While the Board concluded the misconduct was a significant departure from conduct expected of all military members, and the gravity of his offenses outweighed his otherwise satisfactory service at the time, they also noted there were mitigating circumstances that may have predicated the incidents. But for these offenses, applicant was a good airman and citizen, and has continued to be a good citizen since his discharge. Although the Board did not condone applicant's misconduct, the Board found sufficient mitigation at this time to render the characterization of the discharge received by the applicant too harsh. The Board found the testimony offered by applicant sufficient to warrant an Honorable 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.

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. The applicant's characterization of discharge should be changed to honorable 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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Mar 02 UP AFI 36-3208, para 5.50.1 (Misconduct - Discreditable Involvement With Military or Civil Authorities). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 22 Apr 77. Enlmt Age: 20 1/12. Disch Age: 24 10/12. Educ: HS DIPL. AFQT: N/A. A-93, E-80, G-74, M-74. PAFSC: 3C031 - Comm-Computer Systems Operations Apprentice. DAS: 31 Jul 00.

b. Prior Sv: (1) AFRes 22 May 97 - 19 Aug 97 (2 months 29 days) (Inactive).

(2) Enlisted as Amn 20 Aug 97 for 4 yrs. Extented 1 Dec 99 for 6 months. Svd: 3 yrs 0 months 26 days, all AMS. A1C - 20 Jun 98. SrA - 20 Feb 00. EPRs: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 15 Sep 00 for 6 yrs. Svd: 1 Yrs 6 Mo 5 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 04 JAN 02 - Civil arrest for Driving Under the Influence of Alcohol.
 LOC, 13 JUL 01 - Receiving Basic Housing Allowance while occupying a room in the dormitory.
 LOR, 07 NOV 00 - Civil arrest for Driving Under the Influence of Alcohol.

f. CM: None.

g. Record of SV: 31 Dec 99 - 30 Dec 00 Eglin AFB 4 (Annual)
 31 Dec 00 - 30 Dec 01 Eglin AFB 3 (Annual)REF

(Discharged from Eglin AFB)

h. Awards & Decs: AFAM, AFTR, AFLSAR, AFOUA W/1 OLC, AFGCM.

i. Stmt of Sv: TMS: (4) Yrs (9) Mos (27) Das
 TAMS: (4) Yrs (7) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Jul 03.
(Change Discharge to Honorable).

Issue 1: Although I deserved severe punishment, my discharge was improper because I feel that my on duty conduct, military accomplishments, character references and recommendations were not taken into consideration.

Issue 2: My discharge was inequitable because I was given a punishment that hinders me for a lifetime for mistakes that a person should be able to move on from. Not only will that punishment effect me, but also my wife, son, and whoever else will be dependent on me in my life. My family was not part of my life through those difficult times and should not have to feel the repercussions of my past mistakes, which I learned from.

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1. College Transcript.
2. Certificate of Appreciation.
3. Response to Administrative Discharge.
4. Nine Character References.

15AUG03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 96TH AIR BASE WING (AFMC)
EGLIN AIR FORCE BASE FLORIDA

6 MAR 02

MEMORANDUM FOR SrA [REDACTED] 96 CS (AFMC)

FROM: 96 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically discreditable involvement with military or civil authorities. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as a general discharge.
2. My reasons for this action are:
 - a. On or about 16 Sep 00, you were arrested by the local civil authorities for driving under the influence of alcohol. For this offense you received a Letter of Reprimand, dated 7 Nov 00 with an Unfavorable Information File and Control Roster, dated 7 Nov 00.
 - b. On or about 11 Jul 01, investigation disclosed that you were receiving Basic Housing Allowance, but were occupying a room in the dorm with a friend. For this offense you received a Letter of Counseling, dated 13 Jul 01.
 - c. On 14 Dec 01, you were arrested by the local civil authorities for driving under the influence of alcohol. For this offense you received a Letter of Reprimand, dated 4 Jan 02 with an Unfavorable Information File and Control Roster, dated 22 Jan 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 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. Special pay, bonuses, 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 Capt. [REDACTED] at building 451, 882-4185, on 6 MAR 02 at 1400 hours. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination with the 96th Medical Group, physical examination section on 7 MAR 02 at 0715 hours.

8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separation section, on 11 MAR 02 at 0900 hours. Immediately after completion of your separation briefing, report to the 96th Traffic Management Office with your completed AFDTTC Form 4134 or LGTT Office Form B133. If you have a TMO pickup, it must be before 14 MAR 02.

9. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on 12 MAR 02 at 0800 hours.

10. 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 unit orderly room.



, Lt Col, USAF
Commander, 96 CS

Attachments:

1. Supporting Documents
 - 1a. Letter of Reprimand
 - 1b. Police Report, dated 16 Sept 00
 - 1c. Letter of Counseling, dated 13 Jul 01
 - 1d. Letter of Reprimand, dated 4 Jan 02
 - 1e. Police Report, dated 14 Dec 01
2. Airman's Acknowledgment