

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> AB	<b>AFSN/SSAN</b> [REDACTED]			
<b>TYPE</b>	<input checked="" type="checkbox"/> <b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>				
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>					
	<input checked="" type="checkbox"/>					
<b>MEMBER SITTING</b>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
[REDACTED]						X
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
A92.21 A93.09		A67.90		<b>1</b>	ORDER APPOINTING THE BOARD	
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
				<b>3</b>	LETTER OF NOTIFICATION	
				<b>4</b>	BRIEF OF PERSONNEL FILE	
					COUNSEL'S RELEASE TO THE BOARD	
<b>HEARING DATE</b>		<b>CASE NUMBER</b>		<b>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</b>		
08 Oct 2003		FD-2003-00328		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						
<p>Case heard at Washington, D.C.</p> <p>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</p>						
<b>SIGNATURE OF RECORDER</b>			<b>SIGNATURE OF BOARD PRESIDENT</b>			
[REDACTED]			[REDACTED]			
<b>INDORSEMENT</b>			<b>DATE: 10/8/2003</b>			
<b>TO:</b>			<b>FROM:</b>			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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-2003-00328**

**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 (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, change of reason and authority for the 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.

Issue 1. Applicant was discharged for conduct prejudicial to good order and discipline. The records indicated he received two Articles 15, a Letter of Reprimand, and had an Unfavorable Information File. His misconduct included taking another airman's private vehicle without permission, driving under the influence (DUI) of alcohol, and disobeying an order not to drive on base while his privileges were revoked. The medical records also reflect member was hospitalized for a suicide attempt, and he was suffering from worsening depression as a result of his DUI and revocation offenses. He was deemed a significant suicide risk at that time. At the time of the discharge, member consulted counsel and submitted a statement in his own behalf requesting an honorable discharge in order to preserve his access to the G.I. Bill education benefits. Nevertheless, the Board notes member was age 20 and 21 when his offenses occurred and there is no evidence he was immature or did not know right from wrong. He was essentially the same age as other airmen who adhere to the expected standards and finish their terms of service honorably without misconduct. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior, but was unable or unwilling to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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. Thus, the characterization of the discharge received by the applicant was found to be appropriate.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant is doing well, enrolled in college, and involved in volunteer activities. However, these are not matters that relate to a potential inequity or impropriety in his discharge, so the Board concluded his term of service was appropriately characterized due to his misconduct.

Issue 3. The applicant cited his desire to have better civilian employment opportunities and perhaps return to military service. While the Board was sympathetic to the impact the general discharge was having on the applicant, this is not a matter of inequity or impropriety that would warrant 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

[REDACTED]  
[REDACTED]  
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Sep 02 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 10 Apr 81. Enlmt Age: 19 5/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-92, E-77, G-74, M-81. PAFSC: 2A031B - F-16 Avionics Test Stn & Cmpnt Apprentice. DAS: 11 Feb 02.

b. Prior Sv: (1) AFRes 25 Sep 00 - 13 Feb 01 (4 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Feb 01 for 6 yrs. Svd: 1 Yrs 6 Mo 21 Das, all AMS.

b. Grade Status: AB - 22 Jul 02 (Article 15, 22 Jul 02)  
AMN - 20 Jun 02 (Article 15, 20 Jun 02)  
A1C - 30 Mar 01

c. Time Lost: None.

d. Art 15's: (1) 22 Jul 02, Luke AFB, AZ - Article 92. You, having knowledge of a lawful written order issued by LtCol [REDACTED], to wit: revocation of your base driving privileges, dated 24 May, an order which it was your duty to obey, did, on or about 1 Jul 02, fail to obey the same by wrongfully driving a privately owned vehicle on Luke AFB. Reduction to AB, and 21 days extra duty.  
(No appeal) (No mitigation)

(2) 20 Jun 02, Luke AFB, AZ - Article 111. You, did, on or about 24 May 02, at Falcon Street and Bong Lane operate a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was .08 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Reduction to Amn, and 15 days extra duty.  
(No appeal) (No mitigation)

e. Additional: LOR, 29 AUG 01 - Taking another Airman's vehicle without permission.

f. CM: None.

g. Record of SV: None.

(Discharged from Luke AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (10) Das  
TAMS: (1) Yrs (6) Mos (21) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jul 03.

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

Issue 1: This a request to upgrade my discharge to Honorable. As stated to my commander at my discharge hearing, I'm truly sorry and regretful for the problems I caused the Air Force, my co-workers, supervisors and my parents. However, at that point in my life I was overwhelmed by the events surrounding my discharge.

However, since my discharge I've taken the time to think things over and to change my focus on life. Returning home to my parents in Rhein Main Air Base, Germany I had the opportunity contribute (sic) to the military and society. I was a volunteer at the USO helping transient troops supporting Operations Iraqi Freedom and operations in Afghanistan. I've also enrolled in the University of Maryland completing a degree in Criminal Justice and worked a full time job. I've have (sic) upheld the value of citizenship since my short but enjoyable Air Force career and deserving of an upgrade to a honorable discharge.

An upgrade would give me more opportunities in the civilian world, and maybe the opportunity to return to Active Duty. Having grown up as an Air Force dependent, my dream was to follow my father's footsteps and make the Air Force a career.

**ATCH**

1. Response to Proposed Administrative Discharge Action.

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4AUG03/ia



DEPARTMENT OF THE AIR FORCE  
56th Component Repair Squadron (AETC)  
Luke Air Force Base, Arizona

FD 2003-00328

DATE: AUG 19 2002

MEMORANDUM FOR AB [REDACTED] 56 CRS

FROM: 56 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 25 Aug 01, you took possession of another airman's vehicle without permission. For this misconduct you received a Letter of Reprimand, dated 29 Aug 01. An Unfavorable Information File (UIF) was established.

b. On 24 May 02, you took physical control of a vehicle while under the influence of alcohol. For this misconduct you received an Article 15, dated 20 Jun 02. Your punishment included reduction to E-2 and 15 days extra duty. This action was filed in your existing UIF.

c. On 1 Jul 02, you failed to obey an order by wrongfully driving a privately owned vehicle on Luke Air Force Base. For this misconduct you received an Article 15, dated 22 Jul 02. Your punishment included reduction to E-1 and 21 days extra duty. This action was filed in your existing UIF.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation will be provided to you. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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 the Area Defense Counsel, at Building 1150, Suite 3015, Luke Air Force Base, Arizona, Extension 6701, on 19 AUG 02 at 1500 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 by 22 AUG 02 unless you request and receive, in writing, an extension for good cause shown. I will forward any statements you submit to the separation authority as part of this package.

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 retrieve your medical records from 56<sup>th</sup> Medical Group Hospital Outpatient Records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this discharge file for the medical 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 in your unit orderly room.
9. Sign the attached acknowledgment and return it to me immediately.

 Major, USAF  
Commander