

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	X					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A93.19		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD		
				1	ORDER APPOINTING THE BOARD	
HEARING DATE 14 NOV 03		CASE NUMBER FD2003-00364		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	
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
REMARKS Case heard at Andrews AFB, MD. Advise applicant of the decision of the Board, the right to a personal appearance with or without counsel, and the right to submit an application to the AFBCMR.						
INDORSEMENT					DATE: 14 NOV 03	
TO: SAF/MIBR 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2003-00364

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change to reentry code and reason and authority for discharge.

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 to Honorable is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an impropriety that would justify upgrade of the discharge.

ISSUE: The Board finds that the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the board was able to identify none. The records indicated the applicant received one Article 15, three Letters of Reprimand, one Letter of Admonishment, and one Record of Individual Counseling. The misconduct included driving under the influence, late for work, missing mandatory formation, disrespectful to a class leader, allowing fellow service member to drive personal vehicle under the influence of alcohol, illegal use of marijuana, and financial irresponsibility. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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, 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 6 Dec 02 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, Change to Reentry Code, and Reason and Authority.

2. **BACKGROUND:**

a. DOB: 21 Oct 80. Enlmt Age: 18 8/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-80, E-73, G-46, M-40. PAFSC: 2S051 - Supply Management. DAS: 29 Nov 00.

b. Prior Sv: (1) AFRes 25 Jun 99 - 29 Feb 00 (8 Months 5 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 1 Mar 00 for 4 yrs. Svd: 2 Yrs 9 Mos 6 Das, all AMS.

b. Grade Status: AB - 6 Nov 02 (Article 15, 6 Nov 02)
A1C - 1 Jul 01
AMN - 1 Sep 00

c. Time Lost: None.

d. Art 15's: (1) 6 Nov 02, Fort Bragg, NC - Article 111. You, did, from on or about 27 Sep 02, on Bragg Blvd operate a vehicle, to wit: a passenger car, while impaired by alcoholic beverages. Redcution to AB, supended forfeiture of \$552.00 pay, 15 days restriction, 15 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: RIC, 12 JUL 02 - Financial irresponsibility.
LOR, 16 MAY 02 - Aided and abetted a DWI situation by allowing a friend and fellow service member to drive while under the influence of alcohol, with full knowledge of the consequences of driving intoxicated.
LOR, 22 APR 02 - Illegal use of marijuana.
LOA, 16 APR 01 - Missing a mandatory formation and disrespectful to a class leader.
LOR, 27 MAR 01 - Late for work.

f. CM: None.

g. Record of SV: 1 Mar 00 - 1 Nov 01 Pope AFB 5 (Initial)

(Discharged from Pope AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (12) Das
TAMS: (2) Yrs (9) Mos (6) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 30 Jul 02.
(Upgrade Discharge to Honorable, Change of Reentry Code, and Reason and Authority)

Issues: I would like to take the time to explain my reasons for this application. With the review of my service records you will see that I was an exceptional airman. I also had a problem with alcohol. I am deeply ashamed that I allowed myself to get to that point as to let it control everything in my life. Military duty spans generations in my family and I am equally ashamed for that reason. I would appreciate your consideration for upgrade for I have aspirations of returning to duty clean, sober, and honorably. There is a lot of self-pride that goes along with serving the country, along with the feeling of working with an elite team. I will do anything it takes to achieve this goal. Again, I would appreciate your consideration. Thank you for your time.

ATCH
None.

2 Sep 03/cr



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE, NORTH CAROLINA

FD2003-00364

NOV 26 2002

MEMORANDUM FOR AB [REDACTED] 43 LRS

FROM: 43 LRS/CC
1443 Reilly Road
Pope NC 28308

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. The most severe type of discharge authorized in this case is an under other than honorable conditions discharge. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 27 Sep 02, you drove a vehicle while impaired by alcohol, which resulted in an accident near Fort Bragg NC while traveling on Bragg Blvd, as documented by AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 31 Oct 02.

b. On 12 Jul 02, you were delinquent on your Military Star Account, as documented by an AF Form 174, Record of Individual Counseling, dated 12 Jul 02.

c. On 5 May 02, you willfully aided and abetted in a DWI situation when you knowingly allowed a fellow service member to drive your vehicle while both of you were under the influence of alcohol, as documented to a Letter of Reprimand (LOR), dated 16 May 02.

d. On 12 Apr 02, you wrongfully used marijuana, as documented by a Letter of Reprimand (LOR), dated 22 Apr 02.

e. On 4 Apr 01, you missed a mandatory formation, as documented by a Letter of Admonishment (LOA), dated 16 Apr 01.

f. On 20 Mar 01, you failed to arrive at work at the appointed time, as documented by a Letter of Reprimand (LOR), dated 27 Mar 01.

3. The 43d Airlift Wing Commander, who exercises SPCM jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the Air Force. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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 been scheduled for a physical examination with Dr. [redacted] Report to Family Practice Clinic in the Pope Clinic on 2 Dec 02 at 0945 hours. In addition, report to Physical Exams/Lab ASAP for HIV screening.

5. You have the right to consult counsel. Military legal counsel has been obtained to assist you. Contact SSgt [redacted] (extension 4-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult Capt [redacted], the Area Defense Counsel. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

6. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 3 DEC 02 at 1500 unless you request and receive an extension for good cause shown. I will send any statements to the separation authority.

7. If you fail to consult counsel or to submit statements in your own behalf in three days, your failure will constitute a waiver of your right to do so.

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 orderly room.

[redacted signature]
Maj, USAF
Commander

Attachments:

- 1. AF Form 3070, dated 31 Oct 02/Response dated 5 Nov 02/Order to Abstain, dated 30 Sep 02/Revocation of Installation Driving Privileges, date 23 Oct 02
- 2. AF Form 174, dated 12 Jul 02
- 3. LOR, dated 16 May 02
- 4. LOR, dated 22 Apr 02/MFR, dated 30 Apr 02
- 5. LOR, dated 27 Mar 01
- 6. LOA, dated 16 Apr 01