

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
ISSUES A95.00	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 20 Nov 2003	CASE NUMBER FD-2003-00372		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
			TAPE RECORDING OF PERSONAL APPEARANCE			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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>						
SIGNATURE OF RECORDER [REDACTED]		[REDACTED]				
INDORSEMENT			DATE: 11/21/2003			
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-2003-00372

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge. 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: The applicant submitted no issues and requested that the review be completed based on the available service record. 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. The records indicated applicant received An Article 15 for drinking under age and for being drunk and disorderly. She also received a Vacation action under the UCMJ for drinking under age. Additionally, she received two Letters of Reprimand and two Memorandums for Record for being insubordinate to an NCO, disobeying a lawful order and for being drunk and disorderly, repeated failure to report for work on time, failure from the alcohol and drug abuse prevention and treatment program and for drinking prior to reporting for duty. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

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 AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 Jun 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 Jun 81. Enlmt Age: 18 9/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-55, E-26, G-33, M-28. PAFSC: 3A031 - Information Management. DAS: 5 Dec 00.

b. Prior Sv: (1) AFRes 23 Mar 00 - 13 Jun 00 (2 Months 22 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 14 Jun 00 for 4 yrs. Svd: 1 Yr 0 Mos 15 Das, all AMS.

b. Grade Status: AMN - 14 Dec 00

c. Time Lost: None.

d. Art 15's: (1) 4 Dec 00, Vacation, Keesler AFB, MS - Article 92. You, who knew of your duties, on or about 4 Nov 00, were derelict in the performance of those duties in that you willfully failed to abide by Second Air Force Phase Program restrictions, by failing to refrain from drinking alcoholic beverages while under age 21, as it was your duty to do. Forfeiture of \$502.00 pay. (No appeal) (No mitigation)

(2) 17 Oct 00, Keesler AFB, MS - Article 92. You, who knew of your duties, on or about 4 Sep 00, were derelict in the performance of those duties in that you willfully failed to abide by Second Air Force Phase Program restrictions, by failing to refrain from drinking alcoholic beverages while under age 21, as it was your duty to do. Article 134. You, were, on or about 4 Sep 00, drunk and disorderly, which conduct was of a nature to being discredit upon the armed forces. Forfeiture of \$502.00 pay per month for 2 months with suspended forfeiture for the second month, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: MFR, 11 JUN 01 - Insubordination to an NCO, disobeying a lawful order, drunk, and disorderly conduct.

LOR, 30 MAY 01 - Late for work and drinking prior to reporting for duty.
MEMO, 17 APR 01 - Failure from the Alcohol and Drug Abuse Prevention and Treatment Program.
LOR, 28 FEB 01 - Repeated failure to report for work on time.

f. CM: None.

g. Record of SV: None.

(Discharged from Laughlin AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (3) Mos (6) Das
TAMS: (1) Yrs (0) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Aug 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None.

4Sep03/cr

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR [REDACTED]

15 JUN 01

FROM: 47 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions and for failure in the Alcohol and Drug Abuse Prevention and Treatment Program. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.49 and 5.32. 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 10 June 2001, you were apprehended by Security Forces for violating Article 91 Insubordinate Conduct toward a noncommissioned officer, Article 92 Failure to obey order and Article 134 Drunk and disorderly. For this misconduct, 47 SFS/CC completed Memorandum for Record, dated 11 June 2001.

b. On 30 May 2001, you failed to go at the time prescribed to your appointed place of duty, to wit: Building 140, Security Forces Squadron. For this misconduct, you received a Letter of Reprimand, dated 30 May 2001.

c. On 17 April 2001, 47 SFS/CC received memorandum from 47 MDOS/SGOMH, Major Savoie, Alcohol and Drug Abuse Program Manager, informing SFS/CC of your Failure from the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program. Major Savoie recommended your expeditious discharge from USAF for ADAPT Failure, per AFI 44-121, para 3.16.2 and AFI 36-3208, para 5.32.

d. On 6 February 2001 and 9 February 2001, you failed to report for duty at specified time of 0730. For this misconduct, you received a Letter of Reprimand, dated 28 February 2001.

e. On 4 September 2000, you were detained at Keesler AFB, MS for underage consumption and being drunk and disorderly. For this misconduct you received nonjudicial punishment, under Article 15, UCMJ for violation of Articles 92 and 134 UCMJ, dated 17 October 2000.

f. On 4 November 2000, you failed to refrain from drinking alcohol while under age 21. For this misconduct you received a vacation of your suspended 1 month forfeitures.

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

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 and will probably be denied enlistment in any component of the armed forces.

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], Area Defense Counsel, Goodfellow AFB, TX at DSN 477-5070, on 18 June 2001 at 1530. 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 *Stundy 0800*, 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 Exams Section, 47th Medical Group at 0815 on 18 June 2001 for the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208 is available for your use in the unit orderly room.

[REDACTED] AF
Commander

Attachments:

1. Memorandum for Record from 47 SFS/CC, dated 11 June 2001
2. Letter of Reprimand, dated 30 May 2001
3. Failure of ADAPT Program, Dated 17 April 2001
4. Letter of Reprimand, dated 28 February 2001
5. AF Form 3070, dated 17 October 2000.
6. AF Form 366, dated 4 December 2000