

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> [REDACTED]	<b>AFSN/SSAN</b> [REDACTED]			
<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOICE OF THE BOARD</b>				
		<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
[REDACTED]					<b>X</b>	
[REDACTED]					<b>X</b>	
[REDACTED]					<b>X</b>	
[REDACTED]					<b>X</b>	
[REDACTED]					<b>X</b>	
<b>ISSUES</b>	<b>INDEX NUMBER</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
A93.23 A01.13 A01.39	A69.00	<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>	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
19 Nov 2003	FD-2003-00394	TAPE RECORDING OF PERSONAL APPEARANCE				
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>						
<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 RECORDING OFFICER</b> [REDACTED]						
<b>INDORSEMENT</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

FD2003-00394

**GENERAL:** The applicant appeals to upgrade the discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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, or that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. The applicant received a general discharge for failure in the alcohol rehabilitation program. In July 1996, member began an alcohol rehabilitation out-patient treatment program and participated until April 1997. He was diagnosed alcohol dependent due to a pattern of excessive alcohol consumption, suffering from blackouts, and financial and job-related problems. While in the follow-on aftercare program, at some point, member became critical of the program and became unwilling to cooperate. Additionally, member had an Article 15 for making a false official statement to a military police officer, and a vacation of his suspended reduction for two incidents of failure to go. For these reasons his discharge was characterized as general (under honorable conditions) rather than honorable. At the time of the discharge, member consulted counsel and submitted a statement agreeing with the discharge action but criticizing the treatment program and requesting his service be characterized as honorable. The record also disclosed that before entering the military, member had a disorderly conduct conviction for which he paid a fine and restitution. The Board opined that through the unit's rehabilitative actions, member was given ample opportunity to change his behavior. He knew she would be watched closely and any failure to participate in the program would be used as justification for discharge. Applicant now contends his rehab failure was due to a personality conflict, and that the military psychologist misdiagnosed him. He further claims his defense counsel had inadequate time to properly review his case and represent him. The Board could find no evidence in the records to substantiate these contentions and finds them without merit. The Board felt that member's failure to adhere to the requirements of his treatment program was a significant departure from the conduct expected of him, and absent documented evidence from the applicant to the contrary, the Board relied on the presumption of regularity and finds the discharge proper.

**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 to change the reason or authority for the 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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 5 Jun 97 UP AFI 36-3208, para 5.32 (Failure in Alcohol Abuse Treatment). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 29 Nov 75. Enlmt Age: 17 11/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-50, E-82, G-80, M-67. PAFSC: 4N031 - Medical Service Apprentice. DAS: 13 Jul 95.

b. Prior Sv: (1) AFRes 24 Nov 93 - 15 Nov 94 (11 Months 23 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 16 Nov 94 for 4 yrs. Svd: 2 Yrs 6 Mos 21 Das, all AMS.

b. Grade Status: AB - 3 Feb 97 (Vacation of Article 15, 7 Apr 97)  
A1C - 16 Mar 96  
AMN - Unknown

c. Time Lost: None.

d. Art 15's: (1) 7 Apr 97, Vacation, Ramstein AB, GE - Article 86. You did, on or about 17 Mar 97 and on or about 24 Mar 97, without authority fail to go at the time prescribed to your place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 3 Feb 97, Ramstein AB, GE - Article 107. You did, on or about 20 Jan 97, with intent to deceive make to Specialist [REDACTED] 569<sup>th</sup> US Forces Police Flight, an official statement, to wit: "The accident occurred when I was travelling eastbound toward Landstuhl Post and was proceeding around a curve. Another vehicle was coming in the opposite direction and was traveling toward the middle of the road", or words to that effect, which statement was false in that the accident did not occur at the described location and a vehicle was not approaching in the opposite direction, and was then known by you to be so false. Suspended reduction to AB, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 16 Nov 94 - 28 Jun 96 Ramstein AB 4 (CRO)

(Discharged from McGuire AFB)

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

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (14) Das

TAMS: (2) Yrs (6) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Aug 03.  
(Change Discharge to Honorable)

Issue 1: I volunteered for the SART program and was almost complete at the time of my discharge. Due to personality conflicts which I had no control over, I was failed from the program within a month of completion. I had followed all orders and directives up to that point, and had only infringed on the O.I. at two times in one year, well below the average number of incidents of others in my support group.

Issue 2: My Area Defense Counsel advised me I should be happy, that my discharge was just as good as an Honorable, and he did not have the time to look at my case. Effectively (sic) eliminating my ability to try and fight the discharge.

Issue 3: At no point in time was I ever charged or convicted of an alcohol related offense to include Disorderly conduct, Public intoxication, DWI, DUI, Arriving to duty intoxicated, or any other violation of Article 112 of the UCMJ.

Issue 4: I did receive and (sic) article 15 for an unrelated offense, however the event in question I realized what I had did (sic) was wrong and admitted to my crime, because it was the right and honorable thing to do.

Issue 5: I was grossly misdiagnosed by the military psychologist in charge of my case, and not given the opportunity to a second opinion or further psychological treatment other than the alcohol treatment program.

**ATCH**

None.

12 Sep 03/cr



DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAFE)



6 May 97

MEMORANDUM FOR A [REDACTED]

FROM: 86 ASF/CC

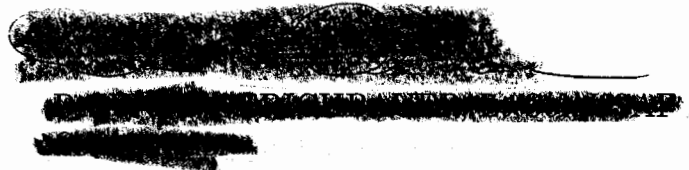
SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure in alcohol abuse treatment. The authority is AFPD 36-32 and AFI 36-3208, Section F, paragraph 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 that you did, on or about 30 Apr 97, fail to successfully complete the Substance Abuse Reorientation and Treatment (SART) Program due to your unwillingness to cooperate. For this failure, you were placed in Track 5 of the SART Program (Atch 1a & 1b) and this discharge was initiated.
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 jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the United States 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 United States Air Force, and any special pay, bonus, or education assistance funds you have received 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 with [REDACTED] Area Defense Counsel, Building 2111, DSN 480-2182/2492 on 7 May 97 at 0900. You may consult civilian counsel at your own expense. The Area Defense Counsel requests that you stop by their office prior to your appointment to pick-up the Administrative Discharge Booklet.
5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me NLT (3 duty days) 9 May at 1700 hours 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 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 in uniform with your medical records and an escort to the Ramstein Air Base Clinic, Physical Exams, Building 2182 on 8 May 97 at 0730 for the examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them. You must abstain from alcohol 72 hours, fast 12 hours, and abstain from caffeine and nicotine 10 hours prior to your appointment.

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.



Attachments:

1. Supporting Documents
  - a. AF Form 2731, SART Program Disposition, dated 30 Apr 97
  - b. Memorandum from [REDACTED], dated 30 Apr 97
  
2. Other Derogatory Information
  - a. AF Form 366, dated 7 Apr 97 w/atchs
  - b. AF Form 3070, dated 3 Feb 97 w/atchs
  - c. LOR, dated 1 Jul 96 w/atchs
  
3. Airman's Receipt of Notification Memorandum