

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AB	AFSN/SSAN ██████████				
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW				
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES	No						
	X						
MEMBER SITTING		HON	GEN	UOTHC	OTHER	DENY	
						X	
						X	
							X
							X
							X
ISSUES	A94.53 A94.05	INDEX NUMBER	A67.10				
		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	16 Jan 2004	CASE NUMBER	FD-2003-00430				
<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>							
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-2003-00430

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for minor disciplinary infractions. The records indicate the applicant received an Article 15 for underage drinking. Unfortunately, member's discharge processing files were unavailable to the Board for review due to being missing from the record. Because member's discharge file was unavailable to the Board for review, the Board was unable to conclusively ascertain if there was other misconduct on member's part that formed additional bases for the discharge. The Board also could not determine if member consulted counsel or submitted statements on his own behalf at the time of the discharge. When requested to provide any pertinent information he may have about the discharge file or his record of service, applicant failed to respond. A review of applicant's medical records and remaining documentation in his Unit Personnel Record Group disclosed he was non-recommended for reenlistment due to being under investigation for possession of drug paraphernalia, a total lack of motivation, mediocre job performance, and inability to adapt to military life. He was also non-recommended for promotion due to having an Unfavorable Information File resulting from financial irresponsibility and a continued pattern of misconduct. He also apparently had received a Letter of Reprimand for writing a bad check, according to an entry in his medical record. Member was permanently decertified from the Personal Reliability Program due to having twice contemplated suicide and being diagnosed with severe depression. At one time he was an in-patient in the mental health ward for 12 days due to his suicidal ideation and psychosocial problems. Additionally, apart from the underage drinking incident for which he received the Article 15, he apparently at some time was caught driving under the influence, and on another occasion came to work with alcohol on his breath. He was twice entered into the Substance Abuse Rehabilitation Training program, the second time being diagnosed alcohol dependent, and continued to drink even though abstinence was part of his rehabilitation regimen. Lacking documented evidence from the applicant to the contrary, the Board relies on the presumption of regularity and finds the discharge proper and without basis for an upgrade. The Board concluded applicant's misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate. No inequity or impropriety could be found in this discharge in the course of the records review.

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

(Former A1C) (HGH A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 24 Feb 97 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 23 May 74. Enlmt Age: 18 9/12. Disch Age: 22 9/12. Educ: HS DIPL. AFQT: N/A. A-46, E-72, G-68, M-86. PAFSC: 3P031 - Security Apprentice. DAS: 4 Sep 96.

b. Prior Sv: (1) AFRes 9 Mar 93 - 4 Oct 93 (6 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 5 Oct 93 for 4 yrs. Svd: 3 Yrs 4 Mo 20 Das, all AMS.

b. Grade Status: A1C - 20 Aug 94

c. Time Lost: None.

d. Art 15's: (1) 28 Apr 95, Minot AFB, ND - Article 92. You did, on or about 19 Apr 95, fail to obey a lawful general regulation, to wit: AFI 34-119, paragraph 1.1.2, by willfully failing to refrain from drinking alcoholic beverages while under the age of twenty-one. Suspended reduction to airman, forfeiture of \$50.00 pay per month for two months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 5 Oct 93 - 04 Jun 95 Minot AFB 3 (Initial)
 5 Oct 95 - 28 Nov 95 Minot AFB 3 (CRO)

(Discharged from Tinker AFB)

h. Awards & Decs: NDSM, SWASM W/1BS, AFOSSTR, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (16) Das
 TAMS: (3) Yrs (4) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Sep 03.

(Change Discharge to Honorable)

FD2003-00430

Issue 1: This discharge was improper because when I enlisted into the United States Air Force, I was told by the recruiter to take the job as Security Specialist. I did not want this job. He said I would be able to change jobs after basic training. After basic training this was not the case. So I tried to stick with it for the 4 years. Now I can't get ahead. I need this discharge upgraded to honorable. I am very proud of my country. I wish that a different career was available. I am very mechanically inclined and could have benefited the Air Force in many other ways.

ATCH

None.

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