AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
[redacted]	AB	[redacted]

TYPE				
		PERSONAL APPEARANCE	X	RECORD REVIEW

COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD	
A94.05	A67.50	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	CASE NUMBER
15 Jul 2004	FD-2003-00050

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C.

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.

INDORSEMENT **DATE: 7/19/2004**

TO:	FROM:
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-2003-00050

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 applicant substantiates an impropriety that would justify a change of discharge.

ISSUE:

The applicant was discharge with an Under Other Than Honorable Conditions discharge for a pattern of misconduct. The records reflect the applicant received three Article 15s--driving while under the influence, unlawfully striking another airman, and diverse marijuana use. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior.

Issue 1. Applicant contends discharge was inequitable because he tested negative to drugs. The records reflect member consulted counsel and accepted non-judicial punishment in lieu of court-martial. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant states that his discharge was inequitable because he was disciplined but never offered treatment for alcoholism. The applicant's service medical records reflect member was evaluated for alcohol abuse and entered into Track II on 1 Jun 95 because of an underage drinking incident. The applicant successfully completed the program on 29 Mar 96. Member was again referred to the Substance Abuse Office on 2 Aug 96 due to an incident requiring medical care on 16 Jul 96--member slipped and fell in the bathroom and hit his head requiring medical attention and his blood alcohol level was above the legal limit, yet member was still under-aged. Member was enrolled in Track 3 on 14 Aug. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3. The applicant states his discharge is inequitable because another airman in his squadron had the same problems but received a general discharge. The Board concluded the misconduct of the applicant appropriately characterized his term of service. The applicant failed to convince the Board on this issue.

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

FD2003-00050

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[redacted]

(Former AB) (HGH A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 24 Apr 97 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 24 Jul 76. Enlmt Age: 17 10/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-86, E-42, G-39, M-22. PAFSC: 2T031 - Traffic Management Semiskilled. DAS: 28 Feb 95.

b. Prior Sv: (1) AFRes 27 May 94 - 20 Sep 94 (3 months 25 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Sep 94 for 4 yrs. Svd: 2 Yrs 7 Mo 4 Das, all AMS.

b. Grade Status: AB - 29 Aug 96 (Article 15, 29 Aug 96)
A1C - 21 Jan 96
AMN - 21 Mar 95

c. Time Lost: None.

d. Art 15's: (1) 1 Nov 96, McChord AFB, WA - Article 111. You, did, on or about 20 Sep 96, on A Street, physically control a vehicle, to wit: a passenger car, while impaired by 0.10 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. Fourteen days extra duty, forfeiture $200.00 pay. (No appeal) (No mitigation)

(2) 17 Oct 96, McChord AFB, VA - Article 128. You, did, on or about 20 Sep 96, unlawfully hit Amn [redacted]n in the shoulder, with your fist. Fourteen days extra duty. (No appeal) (No mitigation)

(3) 29 Aug 96, McChord AFB, WA - Article 112a. You, did, at or near Washington State, on divers occasions from on or about 1 Oct 95 to on or about 30 Jun 96, wrongfully use marijuana. Reduction to AB, and 14 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 21 Sep 94 - 20 May 96 McChord AFB 4 (Initial)

(Discharged from McChord AFB)

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

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (29) Das
TAMS: (2) Yrs (7) Mos (4) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Jan 03. (Change Discharge to Honorable)

Issue 1: I was discpined (sic) for marijuna (sic) charge which when I was tested it was negative that's (sic) why I believe my discharge was inequitable.

Issue 2: Was discplined (sic) for alchol (sic) but was never offered any treatment. After discharge that's why I feel its inequitable. that's (sic) what played a role in my discharge also (sic). Since discharge I had alchol (sic) problems (which I think is disability) and had too (sic) do. A two year treatment progam (sic) thru State of Washington that I paid for because of these events.

Issue 3: My undesirable discharge was inequitable bcause (sic) at time of events when they occurd (sic) I knew another Airman with same problem in same Squadron Airman [redacted] he received General discharge.

ATCH
1. Certificate of Completion.

29MAY03/ia