

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██	<b>GRADE</b> SSGT	<b>AFSN/SSAN</b> ████████████████████
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<b>TYPE GEN</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>VOTE OF THE BOARD</b>				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A95.00	<b>INDEX NUMBER</b> A67.50	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<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	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

<b>HEARING DATE</b> 13 Jan 2004	<b>CASE NUMBER</b> FD-2003-00438
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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

<b>SIGNATURE OF RECORDER</b> ██	<b>SIGNATURE OF BOARD PRESIDENT</b> ██
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**INDORSEMENT** **DATE: 01/12/2004**

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2003-00438

**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 DWI, having an open container of alcohol in the car and failure to use turn signals. In addition, he received four Letter's of Reprimand and two Records of Individual Counseling for dereliction, financial irresponsibility, failure to obey an order, inappropriate relationship with a coworker, late for work and making an inappropriate statement to a subordinate. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his/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

(Former SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 26 Feb 03 UP AFI 36-3208, para 5.50 (Misconduct - A Pattern of Misconduct) and para 5.32 (Failure in Alcohol Abuse Treatment). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 Apr 70. Enlmt Age: 20 1/12. Disch Age: 32 10/12. Educ:HS DIPL. AFQT: N/A. A-59, E-58, G-66, M-66. PAFSC: 2W071 - Munitions Systems Craftsman. DAS: 29 Apr 98.

b. Prior Sv: (1) AFRes 1 Jun 90 - 22 Oct 90 (4 Months 22 Days) (Inactive).

(2) Enld as AB 23 Oct 90 for 4 yrs. Reenld as SRA 25 Oct 93 for 6 yrs. Svd: 8 Yrs 9 Mos 12 Das, all AMS. AMN - 23 Apr 91. A1C - 23 Feb 92. SrA - 23 Oct 93. SSGT - 1 Dec 98. EPRs: 4,5,3,4,5,5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SSGT 4 Aug 99 for 6 yrs. Svd: 3 Yrs 6 Mos 23 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 22 Aug 01, Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 5 Aug 01, were derelict in the performance of those duties in that you negligently failed to give an appropriate signal when turning from Bong Lane onto Falcon Street as it was your duty to do. You, who knew of your duties, on or about 5 Aug 01, were derelict in the performance of those duties in that you willfully failed to remove an open container of alcoholic beverage from the passenger compartment of your vehicle prior to operating it on Luke AFB, AZ, as it was your duty to do. Article 111. You, did, on or about 5 Aug 01, on Bong Lane and Falcon Street, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was 0.135 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Suspended reduction to SRA, forfeiture of \$350.00 pay per month for 2 months, and 45 days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 22 OCT 02 - Inappropriate statement to subordinate.  
 RIC, 02 OCT 03 - Late for work.  
 LOR, 08 AUG 02 - Inappropriate relationship with coworker.  
 LOR, 30 JUL 02 - Failure to obey an order.  
 LOR, 11 MAY 02 - Financial irresponsibility.  
 RIC, 24 FEB 00 - Dereliction

f. CM: None.

- g. Record of SV: 5 Feb 99 - 4 Feb 00 Luke AFB 3 (Annual) REF  
 5 Feb 00 - 4 Feb 01 Luke AFB 4 (Annual)  
 5 Feb 01 - 4 Feb 02 Luke AFB 2 (Annual) REF  
 5 Feb 02 - 9 Jan 03 Luke AFB 1 (Dir by Cmdr)REF

(Discharged from Luke AFB)

h. Awards & Decs: AFAM W/1 DEV, NCOPMER, SAEMR, NDSM W/1 DEV, AFOSTR W/1 DEV, SWASM W/1 DEV, AFTR, AFLSA W/2 DEV, AFEM, AFOUA W/3 DEV AND VALOR, AFGCM W/3 DEV.

- i. Stmt of Sv: TMS: (12) Yrs (8) Mos (26) Das  
 TAMS: (12) Yrs (4) Mos (4) Das

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

NO ISSUES SUBMITTED

ATCH  
 None.

4 Nov 03/cr



DEPARTMENT OF THE AIR FORCE  
56th Equipment Maintenance Squadron (AETC)  
Luke Air Force Base, Arizona

FD2003-00438

DATE: 4 DEC 2002

MEMORANDUM FOR SSGT [REDACTED] 56 EMS

FROM: 56 EMS/CC

SUBJECT: Notification Memorandum-Board Hearing

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct and Failure in Alcohol Abuse Treatment. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.50.1 and 5.32. I am recommending that Pattern of Misconduct be the primary basis for your discharge. If my recommendation is approved, your service will be characterized as honorable, general or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action is:

a. Pattern of Misconduct:

(1) On 22 Feb 00, you discovered a leaking eye wash station and failed to report or fix the leakage. For this misconduct you received a Record of Individual Counseling, dated 24 Feb 00.

(2) On 5 Aug 01, you took physical control of a vehicle while under the influence of alcohol, failed to remove an open container of alcoholic beverage from the passenger compartment of your vehicle prior to operating it on Luke AFB, and failed to give an appropriate signal when turning from Bong Lane onto Falcon Street. For this misconduct you received an Article 15, dated 22 Aug 01. Your punishment included reduction to E-4, suspended until 21 February 02, forfeiture of \$350.00 pay per month for 2 months and 45 days extra duty. An Unfavorable Information File (UIF) was established.

(3) Between Nov 01 and Mar 02, you failed to refrain from using your Government issued Bank of America Card and charged \$1,035.00. For this misconduct you received a Letter of Reprimand, dated 11 May 02. This action was filed in your existing UIF.

(4) On 29 Jul 02, you failed to follow the orders of a senior noncommissioned officer, by spreading rumors. For this misconduct you received a Letter of Reprimand, dated 30 Jul 02.

(5) On 7 Aug 02, you failed to follow the orders of a senior noncommissioned officer, by having an unprofessional relationship with A1C [REDACTED]. For this misconduct you received a Letter of Reprimand, dated 8 Aug 02. This action was filed in your existing UIF.

(6) On 30 Sep 02 and 1 Oct 02, you failed to go to your appointed place of duty at the prescribed time. For this misconduct you received a Record of Individual Counseling, dated 2 Oct 02.

(7) On 21 Oct 02, you made an inappropriate statement to A1C [REDACTED]. For this misconduct you received a Letter of Reprimand, dated 22 Oct 02. This action was filed in your existing UIF.

b. Failure in Alcohol Abuse Treatment: Between 20 Aug 01 and 3 Oct 01, you attended the Intensive Outpatient Program (IOP). At this time you requested your profile be removed in order to deploy to Saudi Arabia for three months. A treatment team met on 5 Oct 01 and determined that you had completed a significant portion of your treatment and your request was approved. The stipulation made at that time, was that upon your return from deployment you would re-engage with the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program. After the return of your deployment a treatment team meeting was held on 18 Apr 02, and it was determined that you would attend IOP for another 21 hours and transition into Aftercare. On 3 May 02, you completed IOP and were directed to begin attending mandatory Aftercare in May 02. Aftercare is held twice a month and you were required to attend eight sessions. As of 22 Nov 02, you have missed nine sessions. Although you were TDY during two of these sessions, your seven other absences were unexcused. As a result of your refusal to participate in treatment, the IOP treatment team considers you a program failure and recommends your prompt discharge from the United States Air Force. This recommendation is contained in a letter from Capt [REDACTED] ADAPT Program Manager, dated 22 Nov 02.

2. This action could result in your separation under other than honorable conditions. I am recommending that you receive a general discharge. The commander exercising GCM jurisdiction will make the final decision in this matter. 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 subjected to recoupment.

3. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

4. You have been scheduled for a medical examination. You must retrieve your medical records from the 56th Medical Group Hospital Outpatient Records Section and report to Physical Examinations Section, building 810, with your medical records and a copy of this discharge package for medical examination.

5. Military legal counsel Capt [REDACTED] Area Defense Counsel, 6-6701, has been obtained to assist you. An appointment has been scheduled for you to consult him on 12 Dec 1500. 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. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.
7. 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.
8. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]  
[REDACTED] Lt Col, USAF  
Commander