

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AMN</b>	AFSN/SSAN <b>[REDACTED]</b>
--------------------------------------------------------------------------	---------------------	--------------------------------

TYPE GEN	PERSONAL APPEARANCE	<b>X</b>	RECORD REVIEW
----------	---------------------	----------	---------------

COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY

<div style="border: 1px dashed black; padding: 5px;"> <!-- Empty space for member sitting --> </div>					X
					X
					X
					X
					X

ISSUES	<b>A94.05</b>	INDEX NUMBER	<b>A67.50</b> <b>A69.00</b>	EXHIBITS SUBMITTED TO THE BOARD	
				<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

HEARING DATE	CASE NUMBER	
<b>14 Jan 2004</b>	<b>FD-2003-00499</b>	

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

<i>1. [Signature]</i>	
-----------------------	--

INDORSEMENT DATE: 01/14/2004

<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
--------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2003-00499

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for being drunk and disorderly and a Vacation action under the UCMJ for the same thing, being drunk and disorderly. Applicant states that he was under a serious depression and that he was young and immature. The DRB recognized the applicant was 23 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The applicant was also sent to substance abuse counseling. However, he refused to cooperate with staff members and remain sober while enrolled in the program. He was returned to his based and discharged for failure in the substance abuse program. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 11 Jun 99 UP AFI 36-3208, paragraphs 5.50 & 5.32 (Pattern of Misconduct and Failure in Alcohol Abuse Treatment Program). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 31 Aug 75. Enlmt Age: 20 9/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-86, E-51, G-52, M-48. PAFSC: 2S031 - Supply Management Apprentice. DAS: 23 Aug 98.

b. Prior Sv: (1) AFRes 24 Jun 96 - 22 Oct 96 (3 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 23 Oct 96 for 4 yrs. Svd: 2 Yrs 7 Mo 20 Das, all AMS.

b. Grade Status: Amn - 1 Feb 99 (Vacation of Article 15, 12 Apr 99)  
A1C - 23 Dec 97

c. Time Lost: None.

d. Art 15's: (1) 12 Apr 99, Vacation, Eielson AFB, AK - Article 134. You, were, at Fort Wainwright Post, Alaska, on or about 19 Feb 99, drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces. Reduction to Airman. (No appeal) (No mitigation)

(2) 1 Feb 99, Eielson AFB, Alaska - Article 134. You, were, on or about 7 Jan 99, drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces. Suspended reduction to Airman, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 23 Oct 96 - 29 Jul 98 McConnell AFB 4 (Intial)  
30 Jul 98 - 24 Mar 99 Eielson AFB 2 (Cmdr Dir)REF

(Discharged from Eielson AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (11) Mos (19) Das  
TAMS: (2) Yrs (7) Mos (20) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Oct 03.  
(Change Discharge to Honorable)

Issue 1: At the time of my discharge I was under a serious depression and false prejudice. I don't want sympathy, just understanding. I take responsibility for my past. I was young and very immature. I have since moved on with my life, continue school, kept my nose clean, started a family & re-joined the military. I am now serving my country under "Operation Enduring Freedom," for the US Army. They gave my (sic) a second chance. I have since then exceled. I would appreciate if I could be upgraded, thus I can move up the ranks & become a (sic) officer. Later, on in life continue with my education by receiving my VA benefits. Thanks & Regards.

**ATCH**

1. OCS Letter of Recommendation, 12 Oct 03.
2. Character References (3).

21NOV03/ia

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

APR 19 1999

MEMORANDUM FOR AMN [REDACTED] 354 SUPS, PACAF

FROM: 354 SUPS/CC

SUBJECT: Notification Memorandum

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 AFI 36-3208, paragraphs 5.50 and 5.32. If my recommendation is approved, your service will be characterized as general and you will not be given an opportunity for probation and rehabilitation.

2. My reasons for this action for A Pattern of Misconduct, paragraph 5.50, are as follows:

a. On 7 Jan 99, you were involved in an altercation at the Eielson Air Force Base NCO club (Atch 1). For this incident you were charged with drunk and disorderly conduct. You received an Article 15, dated 1 Feb 99 (Atch 2). The punishment you received was a reduction in grade which was suspended and 14 days extra duty (Atch 2b).

b. On 20 Feb 99, as a passenger in a vehicle arriving at Ft. Wainwright Army Post, Fairbanks Alaska, you became disorderly and belligerent with the Army Military Police who were checking ID cards at the gate entrance. You refused to show your ID and when tested for alcohol consumption, you were at .153 (Atch 3). For this incident the suspended reduction in grade for the previous Article 15 was vacated. This action is dated 13 Apr 99 (Atch 4).

3. My reasons for this action for Failure in Alcohol Abuse Treatment, paragraph 5.32 are as follows:

In an effort to help you with your alcohol problem, you were sent to Camp Pendleton, California for Substance Abuse Counseling. However, you refused to cooperate with staff members and remain sober while enrolled in the program. You were immediately returned to Eielson Air Force Base, Alaska for failing in the substance abuse program (Atch 5).

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher 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 any special pay, bonus, or education assistance funds may be subject to recoupment.

5. 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 Capt [REDACTED] Area Defense Counsel, Building 3112, Room 155, Eielson AFB, Alaska, on 21 Apr 99 at 1400. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by (3 duty days) 22 Apr 99, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You have been scheduled for a medical examination. You must report to the Physical Examination Section, 354th Medical Group, Building 3349, at 0730 on 23 Apr 99 for the examination.

9. 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 your orderly room.

[REDACTED]

[REDACTED] Maj, USAF  
Commander, 354 SUPS

Attachments:

1. SFS Report
2. Article 15, dated 1 Feb 99
3. SFS Report
4. Record of Proceedings of Vacation of Suspended NJP, dated 13 Apr 99
5. Records of Substance Abuse Counseling