

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> AMN	<b>AFSN/SSAN</b> ██████████
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>		
	<b>X</b>		

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

<b>ISSUES</b> A92.21 A93.01	<b>INDEX NUMBER</b> A67.10	<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> 08 Sep 2004	<b>CASE NUMBER</b> FD-2003-00539	
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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>INDORSEMENT</b>	<b>DATE</b> 9/8/2004
<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-2003-00539**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change his reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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.

Issue 1. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15, six Letters of Reprimand, a Letter of Counseling, and had an Unfavorable Information File for misconduct. His infractions included multiple incidents of failure to go, failure to obey orders, driving under the influence of alcohol while intoxicated (DUI), using profanity and obscene gestures toward government contractors in the performance of their duties, failing to follow technical order data, and driving on base while under revocation. Applicant does not deny these incidents and attributes them to stupidity. Additionally, the member was diagnosed with an adjustment disorder as well as alcohol abuse, and underwent an in-patient rehabilitation program; he had his DUI just 8 months after completing the program. And his final failure to go, 6 months after the DUI, was for not showing up for one of his Alcohol and Drug Abuse Program Treatment (ADAPT) appointments. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of applicant's discharge was appropriate.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, this does not suggest an inequity or impropriety in his discharge and does not offer a basis on which to warrant an upgrade. The Board concluded the applicant's misconduct appropriately characterized his term of service.

Issue 3. The applicant cited his desire to return to military service. While the Board was sympathetic to the impact applicant's discharge has had on this aspiration, it is not a matter of inequity or impropriety which would warrant an upgrade either.

**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

[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Jul 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 21 Jan 81. Enlmt Age: 18 11/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-46, E-50, G-42, M-68. PAFSC: 2A333B - Tactical Aircraft Maintenance Apprentice. DAS: 29 Nov 00.

b. Prior Sv: (1) AFRes 18 Jan 00 - 29 Mar 00 (2 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 30 Mar 00 for 6 yrs. Svd: 2 Yrs 3 Mo 4 Das, all AMS.

b. Grade Status: AMN - 20 DEC 01 (Article 15, 20 Dec 01)  
A1C - 12 May 00

c. Time Lost: None.

d. Art 15's: (1) 20 Dec 01, Shaw AFB, SC - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to not operate a motor vehicle on Shaw AFB, SC, an order which it was your duty to obey, did, on or about 3 Dec 01, fail to obey the same by wrongfully operating a motor vehicle on Shaw AFB. Article 134. You, were, on or about 3 Dec 01, disorderly which conduct was of a nature to bring discredit upon the armed forces. Reduction to Airman, 30 days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 16 MAY 02 - Failure to attend a mandatory appointment.  
LOR, 18 APR 02 - Late for work.  
LOR, 16 JAN 02 - Dereliction of duty.  
LOR, 03 DEC 01 - Driving under the influence of alcohol.  
LOR, 26 OCT 01 - Failure to go.  
RIC, 27 APR 01 - Failure to Obey a direct order.  
LOR, 20 FEB 01 - Failure to report a vehicle accident.

f. CM: None.

g. Record of SV: 29 Nov 00 - 17 Sep 00 Shaw AFB 5 (CRO)

(Discharged from Shaw AFB)

- h. Awards & Decs: AFTR, AFEM, NDSM, AFOUA.
- i. Stmt of Sv: TMS: (2) Yrs (5) Mos (16) Das  
TAMS: (2) Yrs (3) Mos (4) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Nove 03.  
(Change Discharge to Honorable, Change the RE Code, Reason and Authority for Discharge)

Issue 1: I [REDACTED] keep on hearing and reading news about the draft getting reactivated and the recruitment shortage being so low. All I want to be able to do is serve my country proudly like I started to do, but failed because of my stupidity.

I've been working full time and going to school to achieve my A&P certification which I am almost finished with.

I seem to find friends almost anywhere that I go, I'm not sure why though (sic) Elementary and High School I was always picked on and called names.

When ever the terrorist hit the Trade Center I was getting my (F16) ready for war simulated exercise. I felt at that moment of my military life I was accomplishing something that was of meaning. So if I could have an honorable discharge and a chance to reenlist that would be the most gratified moment in my life to have the chance to serve my country and make everyone proud. Thank you.

**ATCH**

1. Enlisted Performance Report.
2. College Transcript.

22DEC03/ia



309.3 Adjustment Disorder with Disturbance of Conduct  
Axis II: V71.09 No Diagnosis, Antisocial Traits  
Axis III: None Reported

The MFR also states that you have the mental capacity to understand the nature and probable consequences of all your acts, are able to distinguish between right and wrong, and are able to understand the nature of any proceedings against you. This document is attached at Tab 4b.

5. 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 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 will probably not be allowed to enlist in any other branch of the armed forces.
6. 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 [REDACTED] Area Defense Counsel, 895-9530, on 13 Jun 02, at 1330 hours. You may consult civilian counsel at your own expense.
7. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three days after receipt of the notification memorandum, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
8. 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.
9. You must report to the Shaw AFB Hospital, Physical Examinations Section, between the hours of 1100 - 1300, Mon - Thurs, for a medical examination.
10. 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.
11. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge, unless the reason is homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.
12. Execute the attached acknowledgment, and return it to me immediately.

11 Attachments:

1. LOR, dated 16 May 02 (Tab 4)
2. LOR, dated 18 Apr 02 (Tab 4)
3. LOR, dated 16 Jan 02 (Tab 4)
4. AF Form 3070, dated 20 Dec 01 (Tab 4)
5. LOR, dated 3 Dec 01 (Tab 4)
6. LOR, dated 26 Oct 01 (Tab 4)
7. LOR, dated 20 Feb 01 (Tab 4)
8. MFR, dated 31 May 02 (Tab 4a)
9. LOC, dated 27 Apr 01 (Tab 4a)
10. Mental Health Report, dated 3 May 02 (Tab 4b)
11. Respondent's Receipt of Notification (Tab 5)