

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AMN	AFSN/SSAN ██████████
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TYPE GEN <input checked="" type="checkbox"/>	PERSONAL APPEARANCE		RECORD REVIEW	
	NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
	YES <input checked="" type="checkbox"/>	No <input type="checkbox"/>	██████████ Drive Chesapeake VA 23322	
Capt ██████████ USCG				

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
					X
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					X
					X

ISSUES A93.01	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD	
		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 10 Feb 2004	CASE NUMBER FD-2003-00548
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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 and the right to submit an application to the AFBCMR.

INDORSEMENT		DATE: 2/11/2004
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

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

The applicant appeared before the Discharge Review Board (DRB) on 10 February 2004 at Andrews Air Force Base, Maryland. The applicant's father, Captain [REDACTED] United States Coast Guard, appeared as a witness and counsel on behalf of the applicant.

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: Applicant contends an impropriety was committed in the processing of his discharge, because he was not given guidance as to the [adverse] impact his decision to waive his right to provide a written statement or to consult an attorney would have on the outcome of his case. The applicant also contends "no one discussed probation and rehabilitation issues" with him and that he "was not given enough time to learn from his mistakes." Additionally, the applicant pointed out he was "fit and enthusiastic" at the time he began his Security Forces training program. However, after suffering an injury to his left ankle, a fracture of the left distal fibula, the applicant's duties were modified and he was subsequently reassigned to a flight of members who suffered physical or mental health ailments that precluded performance of their normal duties. It was during this period of time, in which the applicant alleges he observed his classmates graduate and depart for their units of assignment, that his morale took a turn for the worse and that he began to succumb to peer pressure, or words to that effect. Subsequently, the applicant committed several acts of misconduct that resulted in four Letters of Reprimand and one Letter of Counseling for a failed dormitory inspection, failure to go, lying to a noncommissioned officer, and two instances of underage alcohol consumption. Nonetheless, the applicant contends that all of the disciplinary responses resulting in his discharge were "administrative" in nature. However, although either nonjudicial punishment or a court-martial was a viable option to the applicant's commanders, there is no requirement that these forums be utilized prior to initiation of involuntary separation. In any event, pursuant to AFI 36-3208, paragraph 5.2.3., "alleged or established inadequacy in previous rehabilitative efforts does not provide a bar to separation." With reference to the applicant's contention he was improperly advised surrounding the ramifications of not submitting matters on his own behalf or to consult legal counsel, the case file contains substantial evidence that the applicant was indeed advised of these rights and waived his opportunity to consult counsel and his right to submit matters. In response to the applicant's contention his commander did not follow established policy in not explaining further his recommendation against probation and rehabilitation, the Board finds the commander's alleged inadequacy in explaining his reasons for recommending against probation and rehabilitation does not amount to an inequity or impropriety warranting an upgrade of the applicant's discharge characterization. The Board concluded the applicant's misconduct was a significant departure from conduct expected of all military members, that he was given ample opportunities to change his negative behavior, and that the characterization of the discharge received by the applicant was found to be appropriate.

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]
[REDACTED]
(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 27 May 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, Change to Reentry Code, Reason, and Authority.

2. **BACKGROUND:**

a. DOB: 27 Feb 84. Enlmt Age: 18 1/12. Disch Age: 19 3/12. Educ: HS DIPL. AFQT: N/A. A-74, E-80, G-74, M-81. PAFSC: 3P011 - Security Forces Helper. DAS: 30 Sep 02.

b. Prior Sv: (1) AFRes 22 Apr 02 - 12 Aug 02 (3 Months 22 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 13 Aug 02 for 4 yrs. Svd: 0 Yrs 9 Mos 15 Das, all AMS.

b. Grade Status: AMN - 13 Feb 03

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 21 APR 03 - Underage drinking.
LOR, 04 FEB 03 - Failure to go.
LOC, 29 JAN 03 - Lying to an NCO.
LOR, 29 JAN 03 - Underage drinking and breaking phase.
LOR, 17 JAN 03 - Failed dormitory room inspection and lying to an NCO.

f. CM: None.

g. Record of SV: None.

(Discharged from Lackland AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (1) Mos (6) Das
TAMS: (0) Yrs (9) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Nov 03.
(Upgrade Discharge to Honorable, Change to Reentry Code, Reason, and Authority)

ISSUES ATTACHED TO BRIEF

FD2003-00548

ATCH

1. Applicant's Issues.

29 Dec 03/cr

Attachment to Form 293 for [REDACTED]
Issue 2

From the time I began my basic training until the decision was made to process me for discharge, I faced adversity during my training and still succeeded in completing all formal training. I desire to bring these facts to the Board's attention, so that you will be able to better characterize my service and have a clearer view of me as an individual.

Upon successful completion of Basic Training, I eagerly began my training in Security Forces. The Air Force Security Forces Mission appealed to me and I specifically requested it when I enlisted. I was fit, enthusiastic and began my Security Training with a number of fellow recent graduates of Basic Training. I made some good friends and we were all excited about the challenges of the Security Forces curriculum. I was doing very well after the first two months of training; passing all tests, completing all physical challenges and excelling in military bearing. Then on October 31, 2002, while jogging back to my barracks room after formation, I stepped on an uneven rocky surface and broke my ankle. My entire training program was put on hold as I hobbled around first in a cast and then during rehabilitation for nearly four months. I watched my friends complete their training and go off to their first duty stations, while I performed daily details until I could reenter training. I was grouped with others who were physically or mentally unable to train, which was very frustrating, to say the least. Although I was permitted to go home for convalescent leave for a few weeks over the holidays, I was very disappointed to not be with my original training group. I joined my new training flight in January 2003. I did not know anybody in my new training flight and desperately wanted to fit in with my new peer group of trainees. It was during this period that I participated in the first two events that resulted in the administrative sanctions discussed in Issue 1. At that point, I thought I had little chance for success. But, after some sage counseling from my senior Training Instructor and advice from my family, I decided to really work hard and successfully complete my training. Despite the initial pain of working my ankle during running, I persevered and even exceeded my running times from before the fracture. I successfully completed the Security Forces training and graduated. More than one Training Instructor told me that I had done well and overcame a significant setback. I was very proud of what I had accomplished.

While waiting to depart for my first duty station, I joined two female Security Forces trainees in town for dinner and foolishly agreed to drink some beer with them in a restaurant. When they were questioned upon returning to the barracks, I was named as someone who was with them. Shortly thereafter, I was processed for discharge.

I also received some other administrative sanctions during my training, but they were given in the midst of the training environment where even the smallest infraction resulted in a sanction. When I entered the "Transition" flight awaiting discharge, the Training Instructor, after looking at my file, opined that he was surprised that I was being discharged. He immediately assigned me to the leadership position of "Dorm Chief" for the entire Transition Flight. I was even assigned a "Bay Chief" who acted as my assistant.

In conclusion, my service in the Air Force was marked by several notable successes that merit your consideration in changing my discharge to "Honorable". While these successes do not erase my immature behavior, I do believe they more fully characterize my overall service as Honorable.

Attachment to Form 293 for [REDACTED]

Issue 3

Although my DD-214 indicates that I was discharged as an E1, I was actually promoted to E-2 several months prior to Discharge. I have pay records that confirm the promotion. I suspect that this was a clerical error and wanted to ensure that the Discharge Review Board was aware of my actual pay grade at time of Discharge.

My successful promotion to E-2 was an additional indicator of an overall satisfactory and honorable performance while on active duty, notwithstanding my immaturity documented in the previous two issues. For me personally, my promotion was an indicator of my capacity to succeed in the Air Force. Because of the brief period of my immature behavior and the nature of training environment, I was not given enough time to learn from my mistakes and make lasting improvements to my performance. I recognize that the Board can not undo my discharge, but I respectfully request your consideration in changing its characterization, so I that I may apply the lessons learned and serve my country honorably. Hopefully, I'll have another opportunity to demonstrate my abilities and reenter the Service in the near future.



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

08 MAY 2003

MEMORANDUM FOR AMN [REDACTED]

FROM: 343 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The basis for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as General.
2. My reasons for this action are:
 - a. On 15 Jan 03, you failed your room inspection and lied to an NCO about demerits resulting from your room inspection. As a result, you received a Letter of Reprimand, dated 17 Jan 03.
 - b. On 24 Jan 03, you violated the Air Education and Training Command Phase Policy and consumed alcohol while under the legal drinking age of 21, in violation of Article 92, UCMJ. As a result, you received a Letter of Reprimand, dated 29 Jan 03.
 - c. On 28 Jan 03, you again lied to an NCO. As a result, you received a Letter of Counseling, dated 29 Jan 03.
 - d. On or about 30 Jan 03, you failed to go to your assigned detail, and instead, hid in a dorm room, in violation of Article 86, UCMJ. As a result, you received a Letter of Reprimand, dated 4 Feb 03.
 - e. On 20 Apr 03, you again failed to refrain from consuming alcohol while under the legal drinking age of 21, in violation of Article 92, UCMJ. As a result, you received a Letter of Reprimand, dated 21 April 03.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to counsel. Military legal counsel is available to you. If you desire, I can arrange to make an appointment for you to consult with the Area Defense Counsel at Building 1000, on N/A at _____ hours. You may retain civilian counsel at your own expense. If employed, civilian counsel must be readily available.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must **reach me** by (allow 3 workdays) N/A, unless you request and receive an extension for good cause shown. I will send them to the separation authority for his consideration.

6. If you fail to consult counsel or to submit a statement on your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to Bldg 6612, Room 502, Monday – Friday between 1300 – 1500 hours with your medical, immunization, and dental records for the examination

8. 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 at the Commander's Support Staff.

9. Execute the attached acknowledgment and return it to me immediately.


Capt, USAF
Commander, Military Training Flight

Attachments:

1. Letter of Reprimand, dated 17 Jan 03
2. Letter of Reprimand, dated 29 Jan 03
3. Letter of Counseling, dated 29 Jan 03
4. Letter of Reprimand, dated 4 Feb 03
5. Letter of Reprimand, dated 21 Apr 03 w/atch

Issue 1

I request to change my discharge from "Under Honorable Conditions (General)" to "Honorable" because of reasons of inequity. My entire period of service was in the training environment at Lackland AFB. I had just completed my training in Security Forces and was awaiting execution of my first set of orders when I was processed for discharge. I am hopeful that the Discharge Review Board will review the facts contained in this and the other two Issues and agree that the characterization of my discharge was too harsh and does not reflect the complete circumstances of my service in the Air Force. Without question, this premature discharge was one of the most disappointing periods of my life. I felt that I let my family down, I let my Air Force Training Instructors down and most of all, I let myself down. I never even had a chance to serve at my first duty station. I desperately want an opportunity to correct this error and serve again in our Armed Forces. Changing my discharge to Honorable is the necessary first step in that process.

The events leading up to my early discharge from the U. S. Air Force can best be characterized as the result of my immaturity and choosing my friends poorly. I believe there were three events that had some bearing on the decision to discharge me. Two were situations where I participated in underage drinking with other trainees and one was the result of my visit to an "off limits" establishment also with a group of fellow trainees. In each case, I succumbed to peer-pressure and joined my peers in inappropriate activities. In the two events where I drank, I only consumed a modest amount in an attempt to be part of the group. None of the events resulted in a Judicial Proceeding, an Article 15 Proceeding or any civil proceedings for me. In fact, I only received administrative sanctions for each of the events and was immediately discharged after discovery of my participation in drinking at a restaurant. I fully acknowledge my personal responsibility as a participant in these events, but wish it noted that I did not explicitly bring discredit to the Air Force. I also suspect that as a recent graduate of Security Forces training, I was probably held to a higher standard, which contributed to the decision for my discharge as well as its characterization. My actions, sanctioned only administratively, were the result of my immaturity and desire to fit in with my peers. I erroneously believed that the easy availability of alcohol in restaurants and the relatively large number of trainees who participated in this behavior signaled that it was not a serious infraction.

In all fairness, I believe that my immaturity during a small period of my training time does not merit the life long stigma of a General Discharge, but rather deserves your consideration for a change to "Honorable". Because of the brevity and nature of my inappropriate behavior, I felt that I was just beginning to learn from my immature mistakes when I was discharged. I have learned some hard lessons in the past year, including most importantly not defining myself by what others think of me. I should have said no to my peers and declined to participate.

Furthermore, as a measure of my basic character and commitment to continuous self improvement, I have a full time job, I have bought a car and I do not drink. Since my discharge, I have been living with my parents and they can attest to my personal responsibility. If I am not able to re-enlist immediately, I have plans to enroll in college. An Honorable Discharge is crucial to my future.