

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]				GRADE AB		AFSN/SSAN [REDACTED]						
TYPE GEN		X		PERSONAL APPEARANCE				RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL						
YES		No										
X		X										
MEMBER SITTING				VOICE OF THE BOARD								
				HON		GEN		UOTHC		OTHER		DENY
												X
												X
												X
												X
ISSUES		A94.53		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				CASE NUMBER								
16 Apr 2004				FD-2004-00012								
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.												
<p>Case heard at Washington, D.C.</p> <p>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.</p> <div style="border: 1px dashed black; height: 40px; width: 60%; margin: 10px auto;"></div>												
INDORSEMENT						DATE: 4/16/2004						
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

CASE NUMBER

FD-2004-00012

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 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 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.

ISSUES:

Issue 1. Applicant contends was discharged for minor disciplinary infractions. The records indicated the applicant received three Articles 15, two Letters of Reprimand, and had an Unfavorable Information File for misconduct. His infractions included three underage drinking incidents, once late for work, and being incapacitated for duty due to previous overindulgence in intoxicating liquor. As a result of his alcohol-related misbehavior, applicant participated in the local base alcohol rehabilitation program twice, and was also referred for an in-patient treatment program at an out-of-state facility. Additionally, the records disclosed applicant was allowed to enter the service with a Moral Waiver, which was requested in view of pre-service alcohol-related misconduct for which he had a civilian conviction, as well as a pre-service assault for which he had a civilian conviction. At the time of the discharge, applicant consulted counsel but waived his right to submit statements in his own behalf. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior but was unable or unwilling to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate.

Issue 2. The applicant cited his desire to return to military service. While the Board commends applicant on this desire, and was sympathetic to the impact his reenlistment code was having on the applicant, this is not a matter of inequity or impropriety which would warrant an upgrade.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Apr 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 2 Nov 81. Enlmt Age: 18 7/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-44, E-50, G-39, M-38. PAFSC: 3E251 - Pavements & Construction Equipment Journeyman. DAS: 1 Mar 01.

b. Prior Sv: (1) AFRes 28 Jun 00 - 26 Jul 00 (29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Jul 00 for 6 yrs. Svd: 2 Yrs 8 Mo 8 Das, all AMS.

b. Grade Status: AB - 26 Feb 03 (Article 15, 26 Feb 03)
Amn - 16 Jul 02 (Article 15, 16 Jul 02)
A1C - 8 Sep 00

c. Time Lost: None.

d. Art 15's: (1) 26 Feb 03, Malmstrom AFB, MT - Article 86. You did, on or about 11 Feb 03, without authority, fail to go at the time prescribed to your appointed place of duty. Article 134. You were, on or about 11 Feb 03, as a result of wrongful previous overindulgence in intoxicating liquor, incapacitated for the proper performance of your duties. Reduction to AB, and 45 days restriction. (No appeal) (No mitigation)

(2) 16 Jul 02, Malmstrom AFB, MT - Article 92. You, who knew or should have known of your duties at or near Great Falls, Montana, on or about 27 Apr 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21 years, as it was your duty to do. Reduction to Airman. Suspended reduction to AB, and suspended forfeiture of \$552.00 pay per month for 2 months. Thirty days restriction. (No appeal) (No mitigation)

(3) 18 Dec 01, Malmstrom AFB, MT - Article 92. You, who knew or should have known of your duties, on or about 9 Dec 01, were derelict in the performance of those duties

in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21 years, as it was your duty to do. Suspended reduction to Airman (remitted 13 Feb 02), and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 17 MAY 01 - Late for duty
LOR, 17 JAN 01 - Underage drinking.
- f. CM: None.
- g. Record of SV: 27 Jul 00 - 26 Mar 02 Malmstrom AFB 4 (Initial)
(Discharged from Malmstrom AFB)
- h. Awards & Decs: AFTR, AFOUA, CEBB.
- i. Stmt of Sv: TMS: (2) Yrs (9) Mos (7) Das
TAMS: (2) Yrs (8) Mos (8) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jan 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

To be able to join another service.

ATCH
None.

18FEB04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST SPACE WING (AFSPC)

FD2004-00012

19 MAR 2003
(Date)

MEMORANDUM FOR 819 RHS (ATTN: AB [REDACTED])

FROM: 819 RHS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general, under honorable conditions.

2. My reasons for this action are:

a. On or about 12-13 Jan 01, you failed to refrain from consuming alcohol while under the age of 21 years. For this misconduct, you received a Letter of Reprimand (LOR) dated 17 Jan 01. An unfavorable information file (UIF) was established.

b. On 17 May 01, you failed to report to the unit deployment center as directed. For this misconduct, you received an LOR dated 17 May 01.

c. On or about 9 Dec 01, you failed to refrain from consuming alcohol while under the age of 21 years. For this misconduct, you received an Article 15/UIF dated 18 Dec 01 with the following punishment: reduction to the grade of airman (suspended) and a reprimand. The suspended portion of this punishment was remitted on 13 Feb 02.

d. On or about 27 Apr 02, you failed to refrain from consuming alcohol while under the age of 21 years. For this misconduct, you received an Article 15/UIF dated 16 Jul 02 with the following punishment: reduction to the grade of airman; reduction to the grade of airman basic (suspended); forfeiture of \$552.00 for 2 months (suspended); and restriction to Malmstrom AFB, MT for 30 days. In addition, on or about 27 Apr 02, you were arrested by Great Falls Police Department for driving under the influence (DUI). For this misconduct, you were charged with DUI 1st offense.

e. On or about 11 Feb 03, you failed to go at the time prescribed to your appointed place of duty, to wit: bldg 160. In addition, on or about 11 Feb 03, as a result of wrongful previous overindulgence in intoxicating liquor, you were incapacitated for the proper performance of your duties. For this misconduct, you received an Article 15/UIF dated 26 Feb 03, with the following punishment: reduction to the grade of airman basic and restriction to Malmstrom AFB MT for 45 days.

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Guardians of the High Frontier

3. 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 any special pay, bonus, or education assistance funds may be subject to recoupment.

4. 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 the Area Defense Counsel, x4723, 7015 Goddard Drive, Bldg 145, Room 144 on 20 MAR 2003 at 0800. You may consult civilian counsel at your own expense.

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 COB 24 MAR 2003 (3 duty days) unless you request and receive an extension for good cause shown. I will send all submitted statements to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to the 341st Medical Group Force Health Management Section, x3613, at 27 March hours on 0900 for the examination. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use at your orderly room.

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



Colonel, USAF
Commander, 819th Red Horse Sq

Attachments:

1. Supporting documents:
 - a. UIF Summary
 - b. LOR/UIF dated 17 Jan 01
 - c. LOR dated 17 May 01
 - d. Article 15/UIF dated 18 Dec 01
 - e. Record of Supplementary Action dated 13 Feb 02
 - f. Article 15/UIF dated 16 Jul 02
 - g. GFPD Incident Report dated 27 Apr 02
 - h. Article 15/UIF dated 26 Feb 03
 - i. Documents in Attachment 6
2. Airman's Receipt of Notification Memorandum

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