

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE A1C	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	No					
	X					

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

ISSUES A94.53	INDEX NUMBER A67.30	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 12 May 2004	CASE NUMBER FD-2004-00043
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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.

INDORSEMENT		DATE: 5/12/04
TO:	FROM:	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2004-00043

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.

ISSUES:

Issue 1. Applicant was discharged for discreditable involvement with civil or military authorities. The records indicated the applicant received an Article 15, four Letters of Reprimand, and a Record of Individual Counseling for misconduct. His infractions included dress and appearance violations, speeding on base, writing bad checks on and off base, failure to go, and two consecutive driving while intoxicated offenses in a 2-month period, one on base and one off base. As a result of the second one, he spent 20 days in the county jail. Member failed to respond to the written disciplinary actions, and at the time of the discharge, consulted counsel and waived his right to submit statements in his own behalf. The DRB opined that through these 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 the discharge received by the applicant was appropriate.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well. However, because no inequity or impropriety in his discharge was suggested or found in the course of the record review, the Board concluded applicant's misconduct appropriately characterized his term of service.

Issue 3. Applicant infers that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 21 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 as old as the vast majority of first-term members who properly adhere to Air Force's standards of conduct. 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Hurlburt Field, FL on 4 Aug 89 UP AFR 39-10, para 5-47a (Misconduct - Discreditable Involvement with Civil or Military Authorities). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 20 Feb 68. Enlmt Age: 17 10/12. Disch Age: 21 5/12. Educ: HS DIPL. AFQT: N/A. A-37, E-42, G-42, M-69. PAFSC: 55250 - Structural Specialist. DAS: 3 Jan 87.

b. Prior Sv: (1) AFRes 13 Jan 86 - 7 Aug 86 (6 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Aug 86 for 6 yrs. Svd: 2 Yrs 11 Mo 6 Das, of which AMS is 2 yrs 10 months 15 days (excludes 20 days lost time).

b. Grade Status: A1C - 5 Apr 89 (Article 15, 6 Apr 89)
SrA - 23 Jan 89
A1C - 23 Sep 86

c. Time Lost: 20 Jun 89 - 11 Jul 89 (20 days).

d. Art 15's: (1) 6 Apr 89, Myrtle Beach AFB, SC - Article 111. You did, on or about 26 Mar 89, on D street, operate a vehicle, to wit: a passenger car while drunk. Reduction to A1C, and 30 days additional duty. (No appeal) (No mitigation)

e. Additional: LOR, 13 JUN 89 - Civil arrest for DUI.
LOR, 01 MAR 88 - Failure to go.
RIC, 12 AUG 87 - Violation of AFR 35-10, needing a haircut and mustache trim.
LOR, 17 MAR 87 - Financial irresponsibility.
LOR, 14 JAN 87 - Speeding.

f. CM: None.

g. Record of SV: 8 Aug 86 - 7 Aug 87 Hurlburt Field 9 (Annual)
8 Aug 87 - 7 Aug 88 Hurlburt Field 8 (Annual)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (2) Das
TAMS: (2) Yrs (10) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Jan 04.
(Change Discharge to Honorable)

Issue 1: It has been 14 1/2 years and since my discharge I have been a model citizen. I am a husband and a father of 4. They are all boys and all of them I would like to also join the Air Force. I am ashamed (sic) of my mistakes as a young man and would like to have a Honorable Discharge.

ATCH

1. AF Form 100.

8MAR04/ia



FD 7004-000 43

DEPARTMENT OF THE AIR FORCE
823D RED HORSE CIVIL ENGINEERING SQUADRON (TAC)
HURLBURT FIELD, FLORIDA 32544-5000

REPLY TO
ATTN OF: CCQ

25 Jul 89

SUBJECT: Notification Letter

TO: A1C [REDACTED] 823 RHCES

1. I am recommending your discharge from the United States Air Force for misconduct, more specifically, discreditable involvement with military and civil authorities. The authority for this action is AFR 39-10, Chapter 5, Section H, paragraph 5-47a. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You received a civil court conviction on 20 June 1989 for driving under the influence on 13 May 1989. This offense also supported a Letter of Reprimand dated 13 June 1989.

b. You operated a motor vehicle on or about 26 March 1989 while drunk at Myrtle Beach AFB, S.C., resulting in an Article 15 on 6 April 1989.

c. You failed to report to your duty station after an appointment on 29 Feb 1988, resulting in a Letter of Reprimand dated 1 March 1988.

d. You presented two checks to the Hurlburt Field Exchange on or about 6 and 7 February 1987 that were dishonored by your Credit Union, resulting in a Letter of Reprimand dated 17 March 1987.

e. You violated a lawful general regulation AFR 125-14 by speeding on base, resulting in a Letter of Reprimand dated 14 Jan 1987.

f. You violated AFR 35-10 standards for haircuts and trimming of mustaches resulting in a Record of Counseling dated 12 August 1987.

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 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.

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 Capt [REDACTED] at Area Defense Counsel on 25 Jul 89 at 0930 hrs. You may consult civilian counsel at your own expense.

Readiness is our Profession

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 3 workdays unless you request and receive an extension for good cause shown. I will send them 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 Hurlburt Clinic at 0730 on 26 Jul 89 for the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the Orderly Room.

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



Capt, USAF
Squadron Section Commander

- 2 Atchs
- 1. Supporting Documents for Discharge
- 2. Other Documents