

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AMN	AFSN/SSAN ██████████
--	---------------------	--------------------------------

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					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 18 May 2004	CASE NUMBER FD-2004-00086	
---	--	--

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: 5/18/2004
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00086

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.

ISSUE: The applicant received a General discharge (Commission of a Serious Offense - Driving While Intoxicated) and cited one issue:

Applicant would like his discharge to be upgraded to pursue better employment and education. The DRB noted that this is not a matter of inequity or impropriety which would warrant an upgrade and found no other evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Cannon AFB, NM on 6 Nov 95 UP AFI 36-3208, para 5.52 (Commission of a Serious Offense - Driving While Intoxicated). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 11 Oct 74. Enlmt Age: 18 4/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-79, E-63, G-74, M-58. PAFSC: 2W131H - Weapons Load Crew Member. DAS: 30 Oct 93.

b. Prior Sv: (1) AFRes 20 Feb 93 - 15 Jun 93 (3 months 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Jun 93 for 4 yrs. Svd: 2 Yrs 4 Mo 22 Das, all AMS.

b. Grade Status: AMN - 24 Apr 95 (Article 15, 24 Apr 95)
A1C - 16 Oct 94
AMN - 16 Dec 93

c. Time Lost: None.

d. Art 15's: (1) 24 Apr 95, Cannon AFB, NM - Article 111. You, did, on or about 2 Apr 95, at or near 108 N Olympic Blvd, operate a vehicle, to wit: a passenger car while drunk or impaired. Article 92. You, did, on or about 2 Apr 95, violate a lawful general regulation, to wit: paragraph 1-4a, AFR 215-7, dated 21 Sep 91, by wrongfully drinking underage. Article 92. You, did, on or about 2 Apr 95, violate a lawful general regulation, to wit: para 13j (1), Cannon Air Force Supplement, dated 23 Sep 93, and AFR 125-14, by wrongfully operating a vehicle on a suspended drivers license. Reduction to Airman, forfeiture of \$150.00 pay per month for 2 months, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 25 OCT 95 - Driving While Intoxicated.
Traffic Ticket, 2 APR 95 - Speeding.
RIC, 18 JUL 95 - Financial irresponsibility.
RIC, 19 JAN 95 - Late for work.
RIC, 08 DEC 94 - Late for work.

f. CM: None.

- g. Record of SV: 16 Jun 93 - 15 Feb 95 Cannon AFB 5 (Initial)
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (2) Yrs (8) Mos (18) Das
TAMS: (2) Yrs (4) Mos (22) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 17 Feb 04.
(Change Discharge to Honorable)

Issue 1: I would (sic) an upgrade to pursue better employment and education. I had a very good service with the exception of 2 incidents. I need the change in discharge to pursue a better life for me and my new son. I have seeked (sic) treatment for my problem and want to better myself with education that will be possible (sic) with this change. Thank you for your consideration in this matter.

ATCH

None.

2APR04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 27th FIGHTER WING (ACC)
CANNON AIR FORCE BASE, NEW MEXICO

FD 2004-00086

02 NOV 1995


MEMORANDUM FOR AMN [REDACTED] 523 FS

FROM: 523 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense, specifically, Driving While Intoxicated. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.52. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General.
2. My reasons for this action are:
 - a. On or about 13 Oct 95, you drove while intoxicated. You were found guilty of aggravated DWI in magistrate Court, Curry County, as evidenced by a Letter of Reprimand, dated 25 Oct 95, acknowledged 30 Oct 95 (Atch 1a).
 - b. On or about 2 Apr 95, you drove while intoxicated, drank underage, and operated a vehicle on a suspended drivers license, as evidenced by an Article 15, dated 24 Apr 95 (Atch 1b).
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. Special pay, bonuses, 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 Captain [REDACTED] at building 327, ext 2915 on 6 Nov 95 at 0800 hours. 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 within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You completed a medical examination at the 27th Medical Group on 24 Oct 95.
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 in your unit orderly room.


Lt Col, USAF
Commander, 523 FS

Attachments:

1. Supporting Documents
2. Other Derogatory Data
3. Airman's Acknowledgment