

**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>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<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>	

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

<b>ISSUES</b> A95.00	<b>INDEX NUMBER</b> A67.50	<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 Jun 2004	<b>CASE NUMBER</b> FD-2004-00110	
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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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

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<b>INDORSEMENT</b>		<b>DATE: 6/8/2004</b>
<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-2004-00110**

**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. 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:** The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received an Article 15, a Vacation action under the UCMJ, and a Record of Individual Counseling. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members.

**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 Langley AFB, VA on 28 Jun 95 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Oct 74. Enlmt Age: 18 0/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 3C231 - Communications-Computer Systems Controller. DAS: 24 Aug 93.

b. Prior Sv: (1) AFRes 30 Oct 92 - 14 Jan 93 (2 months 16 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Jan 93 for 4 yrs. Svd: 2 Yrs 5 Mo 14 Das, all AMS.

b. Grade Status: Amn - 20 Jan 95 (Vacation, Article 15, 24 May 95)  
A1C - 15 May 94  
Amn - 15 Jul 93

c. Time Lost: None.

d. Art 15's: (1) 24 May 95, Vacation, Langley AFB, VA - Article 92. You did, on or about 25 Apr 95, violate a lawful general regulation, to wit: paragraph 1.1.2, AFI 34-119, dated 25 Jul 94, by wrongfully possessing alcohol while under the age of twenty-one. You did, on or about 21 Apr 95, violate a lawful general regulation, to wit: paragraph 2-1(b), AFI 125-14, dated 8 Jul 88, by wrongfully driving a motor vehicle on Langley AFB while your driver's license was suspended. You did, on or about 21 Apr 95, violate a lawful general regulation, to wit: paragraph 2-1(a)(1), AFI 125-14, dated 8 Jul 88, by wrongfully driving your motor vehicle approximately 27 miles per hour in a posted 15 miles per hour zone. You, who should have known of your duties, on or about 25 Apr 95, were derelict in the performance of those duties in that you willfully possessed a three foot snake in your dormitory room, as it was your duty not to do. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: RIC, 21 APR 95 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 15 Jan 93 - 14 Sep 94 Langely AFB 3 (Initial)

h. Awards & Decs: AFOUA, NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (0) Das  
TAMS: (2) Yrs (5) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Mar 04.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

**ATCH**

None.

19APR04/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 1ST FIGHTER WING  
LANGLEY AIR FORCE BASE VA

FD 2004-00110

MEMORANDUM FOR AMN [REDACTED]

21 JUN 1995

FROM: 1 CS/CCQ

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct consisting of conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, Section H, Paragraph 5.50.2. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

You did, at Langley Air Force Base, Virginia, on or about 25 April 1995, violate a lawful general regulation, to wit: paragraph 1.12, Air Force Instruction 34-119, dated 25 July 1995, by wrongfully possessing alcohol while under the age of twenty-one. (Atch 1)

You did, at Langley Air Force Base, Virginia, on or about 21 April 1995, violate a lawful general regulation, to wit: paragraph 2-1(b), Air Force Regulation 125-14, dated 8 July, by wrongfully driving a motor vehicle on Langley Air Force Base while your driver's license was suspended. (Atch 1)

You did, at Langley Air Force Base, Virginia, on or about 21 April 1995, violate a lawful general regulation, to wit: paragraph 2-1 (a)(1), Air Force Regulation 125-14, dated 8 July 1988, by wrongfully driving your motor vehicle approximately 27 miles per hour in a posted 15 miles per hour zone. (Atch 1)

You, who should have known of your duties at Langley Air Force Base, Virginia, on or about 25 April 1995, were derelict in the performance of those duties in that you willfully possessed a three foot snake in your dormitory room, as it was your duty not to do. (Atch 1)

You were, in Hampton, Virginia, on or about 19 November 1994, found drunk on the side of a road on Hampton University and were unable to return yourself to Langley Air Force Base, which conduct was of a nature to bring discredit upon the armed forces.

Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. 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.

*Global Power For America*

3. 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], Area Defense Counsel, 56 Willow Street, Suite 101, Ext 5607 at 0900 hours on 5 June 1995. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 6 June 1995 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at 0745 hours on 6 June 1995 and at 1400 hours on 6 June 1995 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, Attachment 2. A copy of AFI 36-3208 is available for your use in the unit orderly room.

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

[REDACTED]

2Lt, USAF

Section Commander, 1CS

Attachments:

1. Vacation Action, 24 May 1995
2. Article 15, 24 January 1995