

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00124

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 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 received a general discharge for failure in the alcohol rehabilitation program. Member received an Article 15 for driving drunk in April 2002 which resulted in a serious car accident. For these reasons his discharge was characterized as general (under honorable conditions) rather than honorable. In April 2002, member was referred to the Alcohol and Drug Rehabilitation Program and in June 2002 began an intensive off base alcohol rehabilitation out-patient treatment program, participating until August 2002. Member was diagnosed as an alcohol abuser and unsuited for further military service after he became unwilling to cooperate further and told one of his treatment managers it was no longer important to him, regardless of the impact on his military career. At the time of the discharge, member submitted a statement requesting his service be characterized as honorable and noting that his out-patient program schedule and rehabilitation regimen conflicted with his college courses and other personal problems he was experiencing at the time. Member further stated he felt his service was honorable with the exception of the date of the driving under the influence incident. Applicant makes the same contention to the DRB. The Board opined that through the unit's rehabilitative actions, member was given ample opportunity to change his behavior. He should have realized he would be watched closely and any failure to participate in the program could be used as justification for discharge. The Board felt that member's failure to adhere to the requirements of his treatment program was a significant departure from the conduct expected of him, and finds the discharge proper and equitable.

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 SRA) (HGH SRA)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Shaw AFB, SC on 2 Oct 02 UP AFI 36-3208, para 5.32 (Alcohol Rehabilitation Failure). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Oct 79. Enlmt Age: 19 6/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-68, E-81, G-86, M-77. PAFSC: 3E052 - Electrical Power Production Technician. DAS: 27 Sep 99.

b. Prior Sv: (1) AFRes 27 Apr 99 - 1 Jun 99 (1 month 6 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Jun 99 for 6 yrs. Svd: 3 Yrs 4 Mo 1 Das, all AMS.

b. Grade Status: SrA - 16 Nov 01
 A1C - 16 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 16 May 02, Shaw AFB, SC - Article 111. You did, on or about 20 Apr 02, physically control a vehicle, to wit: a passenger car, while drunk. Suspended reduction to A1C, forfeiture of \$400.00 pay per month for 2 months, 14 days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: Memo For 20 CES/CC, 22 AUG 02 - Refusal to attend ADAPT Program treatment sessions and not compliant with the abstinence requirement.

f. CM: None.

g. Record of SV: 2 Jun 99 - 1 Feb 01 Shaw AFB 5 (Initial)
 2 Feb 01 - 1 Feb 02 Shaw AFB 5 (Annual)

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

i. Stmt of Sv: TMS: (3) Yrs (5) Mos (6) Das
 TAMS: (3) Yrs (4) Mos (1) Das


4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Apr 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Two Enlisted Performance Reports.

17MAY04/ia


April 1, 2004

Dear Discharge Review Board:

On October 2, 2002 I was discharged from the armed forces after 1218 days of service. Unfortunately I will admit that only 1217 of those days were served honorably. On April 22, 2002 I was involved in a vehicle accident while under the influence of alcohol. It was a terrible mistake that ended my career in the Air Force and a day that will always be imprinted in my memory. Even though that day stands as the worse day in my life, it taught me some very valuable lessons about life. Not only will I never make the same mistake in my lifetime, I also learned that every action you take has dramatic consequences. For that reason I am taking positive actions in my life now, like obtaining a college degree, that will also have consequences but of a different kind. The reason that I am asking for an honorable discharge is not for the actions of one day, but for the actions of the other 1217 days that I served in the Air Force.

Like every other airmen that comes out of Lackland Air Force base after completing basic military training, I had very high hopes for my career. I wanted to be challenged, I wanted to be inspired, and I wanted to do a job that makes a difference. And I was not disappointed; my short career was full of challenges and high demands. I cannot remember a day that became boring or repetitive. Everyone treated me very well and in return I treated everyone with respect. I am not one to praise my accomplishments or the quality of my work so I have attached my two EPR's. But I will say that I take great pride in my work and an honorable discharge would make valid the hard work and commitment that I made to the Air Force. It was a time in my life that I learned a lot from and is now behind me now, but when I look back I would like to know that I was appreciated or recognized for what I did. Regardless of what your decision might be I know in my heart that I served honorably and even though my career ended on a sad note, I would not trade my military experience for anything in the world. Thank you for your time.

Sincerely,





DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD 2004-00129

SEP 10 2002

MEMORANDUM FOR SRA [REDACTED]

FROM: ~~79 PS/CC~~ 20 CES/CC ^{MA}

SUBJECT: Notification Memorandum

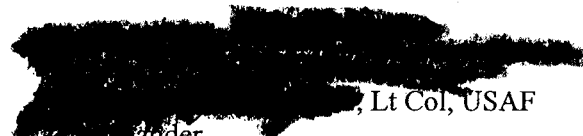
1. I am recommending your discharge from the United States Air Force for Failure in Alcohol Abuse Treatment. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, paragraph 5.32. If my recommendation is approved, your discharge will be characterized as honorable or general. I recommend your discharge be characterized as general.
2. My reason for this action is that on or about 29 Apr 02, you were referred to the ADAPT Program after being detained at Shaw AFB, SC for driving while drunk. You were enrolled in the Three Rivers Intensive Outpatient Program on 28 Jun 02. On 1 Aug 02, [REDACTED] of Three Rivers contacted the ADAPT Program to report your refusal to come to any more treatment sessions. She also reported you were not compliant with the abstinence requirement. You told [REDACTED] 20th Medical Group, the program was not important to you, regardless of the impact on your military career. This is documented in a memorandum from 20 MDOS, dated 22 Aug 02. This memorandum is attached at Tab 4.
3. In addition to the above reasons for discharge, your file also reflects one Article 15 nonjudicial punishment action, dated 16 May 02, for driving while drunk. This document is located under Tab 4a.
4. 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 will probably not be allowed to enlist in any other branch of the armed forces.
5. 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] Area Defense Counsel, 895-9530, on 10 Sep 02, at 1345 hours. You may consult civilian counsel at your own expense.
6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three days after receipt of the notification memorandum, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. 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.
8. You are scheduled for your final out-processing medical examination on 10 Sep 02 at 1530 hours. You will report to Primary Care, located in the Shaw AFB Hospital, at the time prescribed. This appointment is mandatory. If you must reschedule, contact your unit First Shirt to have them make the appointment for you. This examination must be carried out within 48 hours of the original appointment if the date must be rescheduled

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9. 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 the orderly room.

10. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies that you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge, unless the reason is homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

11. Execute the attached acknowledgment, and return it to me immediately.


Lt Col, USAF
Alexander

3 Attachments:

1. MFR, dated 22 Aug 02 (Tab 4)
2. AF Form 3070, dated 16 May 02 (Tab 4a)
3. Receipt of Notification (Tab 5)