

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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
[REDACTED]					X
					X
					X
					X
					X

ISSUES A94.53	INDEX NUMBER A67.90	ORDERS 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 17 Jun 2004	CASE NUMBER FD-2004-00125			

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.

[Handwritten signature]

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00125

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: Applicant was discharged for conduct prejudicial to good order and discipline. The records indicated the applicant received two Articles 15, a Letter of Reprimand, four Records of Individual Counseling, and six verbal counselings for misconduct. His infractions included being late to work, dereliction of duty, unsatisfactory performance, missing an appointment, civilian arrest for disorderly conduct and underage drinking, on-base underage possession of alcohol, and providing alcohol to other underage individuals. He also was found driving on an invalid license, speeding, driving on an expired registration, and cited for unsafe vehicle operation. Member was sent to alcohol rehabilitation evaluation and counseling after two of his three alcohol-related incidents, and was diagnosed a problem drinker. He was also permanently decertified from the Permanent Reliability Program and had a referral "2" Enlisted Performance Report that documented his lack of attention to supervisory instruction, disregard for safety practices and tech order data, and regression in upgrade training. The DRB opined that through these extensive unit 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. The characterization of the discharge received by the applicant was found to be appropriate.

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]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Minot AFB, ND on 30 Mar 93 UP AFR 39-10, para 5-47b (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 20 Dec 71. Enlmt Age: 18 7/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-61, E-36, G-52, M-47. PAFSC: 45450A - Aerospace Propulsion Specialist. DAS: 17 May 91.

b. Prior Sv: (1) AFRes 14 Aug 90 - 12 Dec 90 (3 months 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Dec 90 for 4 yrs. Svd: 2 Yrs 3 Mo 18 Das, all AMS.

b. Grade Status: AMN - 18 Mar 93 (Article 15, 22 Mar 93)
A1C - 13 Apr 92
AMN - 13 Jun 91

c. Time Lost: None.

d. Art 15's: (1) 22 Mar 93, Minot AFB, ND - Article 92. Preliminary investigation has disclosed that you, who knew of your duties, on or about 21 Feb 93, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcoholic beverages to persons under the age of 21 yrs, as it was your duty to do. Reduction to Airman. Suspended forfeiture of \$150.00 pay per month for 2 months. (Appeal/Withdrawn) (No mitigation)

(2) 1 Apr 92, Minot AFB, ND - Article 92. Preliminary investigation has disclosed that you, who knew of your duties, on or about 13 Mar 92, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcoholic beverages while under the age of 21, as it was your duty to do. Forfeiture of \$50.00 pay per month for one month, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 21 SEP 92 - Unsatisfactory performance.
RIC, 09 SEP 92 - Missed appointment.
RIC, 27 JUL 92 - Dereliction of duty.
VBC, 22 JAN 92 - Attempting to take a beer glass out of the

NCO Club, and gaining entry into the Club
with an invalid Club card.

DD 1569, 28 MAR 92 - Civil arrest for disorderly conduct,
and unlawful consumption of alcohol.
This form states that applicant
received a Letter of Reprimand for
these offenses, but the LOR is missing
from file.

RIC, 13 JUN 91 - Late for duty.

f. CM: None.

g. Record of SV: 13 Dec 90 - 12 Aug 92 Minot AFB 2 (Initial)REF

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

i. Stmt of Sv: TMS: (2) Yrs (7) Mos (17) Das
TAMS: (2) Yrs (3) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Mar 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Two Training Certificates.
2. Three Character References.
3. Training Certificate.
4. University Acceptance Letter.

3MAY04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5TH OPERATIONS GROUP (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

FD2004-00125

FROM: [REDACTED]

24 Mar 93

SUBJ: Letter of Notification - AFR 39-10, Para 5-47b

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFR 39-10, paragraph 5-47b. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. On or about 13 Jun 91, you were late for duty. For this offense, you received a letter of counseling on 13 Jun 91.
 - b. On or about 11 Jan 92, you attempted to take a beer glass out of the NCO Club. You also had gained entry into the club with an invalid club card. For this offense, you were counseled.
 - c. On or about 13 Mar 92, you possessed an alcoholic beverage while you were under age 21 years. For this offense, you received nonjudicial punishment on 2 Apr 92, including forfeiture of \$50 pay per month for one month and 30 days extra duty.
 - d. On or about 28 Mar 92, you were disorderly in public. For this offense, you were convicted in the Ward County Court of disorderly conduct and ordered to pay a \$50 fine.
 - e. On or about 24 Jul 92, you deviated from a technical order during an engine installation after being specifically told to follow technical order procedures. Also, you misused tools. For these offenses you received a letter of counseling on 27 Jul 92.
 - f. On or about 8 Sep 92, you failed to go to a dental appointment you made for yourself. For this offense, you received a letter of counseling on 9 Sep 92.
 - g. On or about 21 Sep 92, you failed to maintain required proficiency in daily tasks and because you lacked initiative. For this you were counseled on 21 Sep 92 and you were decertified on starter build up and installation.
 - h. On or about 21 Feb 93, you were derelict in the performance of your duty when you provided alcoholic beverages to persons under age 21. For this offense, you received nonjudicial punishment on 18 mar 93, including reduction to Airman and suspended forfeitures of \$150.00 for two months.

Global Power for America

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction (5 BW/CC) 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.

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 ~~██~~, at his office, Bldg 475, Room 306A, at 1000 hours on 29 Mar 1993. 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 1430 hours on 29 March 1993, 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 Physical Exam Section, 5th Medical Group Hospital, Minot AFB, ND at 0900 hours on 23 Mar 93 for the examination.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the Orderly Room.
8. Execute the attached acknowledgment and return it to me immediately.

~~██~~ Lt Col, USAF
Commander, 23 BS

9 Atch

1. AF Fm 3070, 22 Mar 93, w/atchs
2. ROC, 21 Sep 92
3. ROC, 9 Sep 92
4. ROC, 27 Jul 92
5. DD Fm 1569, 28 Mar 92, w/atchs
6. AF Fm 3070, 2 Apr 92, w/atchs
7. 5 SG/MWE, 13 Jan 92
8. ROC, 13 Jun 91
9. Receipt of Letter of Notification