

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██	GRADE AMN	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	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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HEARING DATE 28 Jul 2004	CASE NUMBER FD-2004-00143	
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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: 7/29/2004
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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00143

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 minor disciplinary infractions. The records indicated the applicant received an Article 15 and two Letters of Reprimand for misconduct involving two underage drinking incidents, an assault upon a female airman, and a failed dorm room inspection. Member participated in the Alcohol and Drug Abuse Rehabilitation Program twice, the second time being diagnosed alcohol dependent. At the time of the discharge member waived his right to consult with counsel and to submit statements in his own behalf. The DRB opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior but was unwilling or unable to do so. The Board concluded the misconduct was a significant departure from conduct expected of all military members and therefore the characterization of the discharge received by the applicant was 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]
[REDACTED]

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Kirtland AFB, NM on 26 Jun 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Feb 83. Enlmt Age: 17 1/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-51, E-56, G-41, M-44. PAFSC: 3P031 - Security Forces Apprentice. DAS: 7 Dec 01.

b. Prior Sv: (1) AFRes 25 Apr 00 - 9 Jul 01 (1 yr 2 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 10 Jul 01 for 6 yrs. Svd: 1 Yrs 11 Mo 17 Das, all AMS.

b. Grade Status: Amn - 20 May 03 (Article 15, 20 May 03)

c. Time Lost: None.

d. Art 15's: (1) 20 May 03, Kirtland AFB, NM - Article 128. You, did, on or about 28 Apr 03, unlawfully strike A1C [REDACTED] in the face with your fist. Article 134. You did, as a person under the age of 21 years of age, on or about 28 Apr 03, wrongfully and knowingly consume alcoholic beverages in violation of New Mexico statutes annotated, Section 60-7B-1 as assimilated into Federal Law by 18 U.S.C. Section 13, also in violation of Article 134 of the Uniform Code of Military Justice. Reduction to Airman, 30 days restriction and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 13 DEC 02 - Failed dorm room inspection.
LOR, 26 JUL 02 - Underage drinking.

f. CM: None.

g. Record of SV: 10 Jul 01 - 15 Jan 03 Kirtland AFB 3 (HAF Dir)

h. Awards & Decs: NDSM.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (4) Das
TAMS: (1) Yrs (11) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Apr 04.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Vocational Certificate.

19MAY04/ia



DEPARTMENT OF THE AIR FORCE

377th SECURITY FORCES SQUADRON (AFMC)
KIRTLAND AIR FORCE BASE NEW MEXICO

10 Jun 03

MEMORANDUM FOR AMN [REDACTED]

FROM: 377 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations* (14 Jul 93) and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49 (10 Mar 00). If my recommendation is approved, your service will be characterized as Honorable, General (Under Honorable Conditions), or Under Other Than Honorable Conditions. I am recommending that your service be characterized as General (Under Honorable Conditions).
2. My reasons for this action are:
 - a. On 26 Jul 02, you received Letter of Reprimand for underage drinking. (Atch A)
 - b. On 13 Dec 02, you received a Letter of Reprimand for failing your room inspection and reinspection. (Atch B)
 - c. On 20 May 03, you received punishment under Article 15 for striking another airman in the face with your fist and underage drinking. (Atch C)
3. 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. Special pay, bonuses, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. Military legal counsel will be obtained to assist you. The Legal Office will make an appointment for you to consult with the Area Defense Counsel, Captain [REDACTED] located in building 20361, 8201 K St, ext. 846-5554. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on 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. The Legal Office will obtain a mandatory medical examination for you at the 377th Medical Group (Family Practice), and a Pre-Separation Counseling appointment with Family Support.
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

Attachments:

1. Supporting Documents (Atchs A-C)
2. Airman's Acknowledgment