

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>				GRADE <b>1LT</b>		AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>				
TYPE GEN		PERSONAL APPEARANCE				<b>X</b> RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES    No										
<b>X</b>										
MEMBER SITTING						<b>VOTE OF THE BOARD</b>				
						HON	GEN	UOTHC	OTHER	DENY
<div style="background-color: black; width: 100%; height: 1.2em;"></div>										<b>X</b>
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ISSUES <b>A94.53</b>		INDEX NUMBER <b>A80.00</b>				<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				
HEARING DATE <b>01 Sep 2004</b>		CASE NUMBER <b>FD-2004-00154</b>								
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE										
<p>Case heard at Washington, D.C.</p> <p>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.</p> <div style="background-color: black; width: 100%; height: 100px; margin-top: 20px;"></div>										
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 1.2em;"></div>				SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.2em;"></div>						
<b>INDORSEMENT</b>				<b>DATE: 9/1/2004</b>						
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

FD2004-00154

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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.

**ISSUES:** Applicant tendered his resignation in lieu of further administrative discharge proceedings. The applicant's records document clear evidence of conduct totally incompatible with military service. He had two Articles 15, three Letters of Reprimand, and a civilian conviction. His misconduct included domestic assault, three instances of driving drunk (two on base), making a threatening telephone call to another dependent spouse, driving on a suspended license, and soliciting a drunken homeless man to drive his car on base. All of these incidents occurred within a 24-month period, the last one within days of his having completed an in-patient alcohol rehabilitation program. It is Air Force policy that personnel who do not respond favorably to rehabilitation be considered for separation. Additionally, the applicant's misconduct was of a very serious nature and members who commit acts of misconduct, even under the influence of alcohol, are held accountable for their actions. Furthermore, the number of incidents of this severity would normally result in a service characterization of under other than honorable, but mitigating factors were taken into consideration at the time of the discharge. Member had served admirably for 13 years before his misconduct began. Circumstances of his divorce, while not excusing his conduct, were also extenuating. And finally, member's normal expiration of term of service was approaching and he could not be held beyond that date for the purposes of processing a Board of Inquiry and securing final administrative action. Thus accepting his resignation allowed his service to be appropriately characterized. Accordingly, the Secretary of the Air Force's designee, who was aware of the option to approve an honorable discharge, determined that a general discharge (under honorable conditions) was more appropriate due to the seriousness and repetitive, deteriorating nature of member's misconduct. No inequity or impropriety was found in this discharge in the course of the records review.

**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 1LT) (HGH 1LT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Keesler AFB, MS on 11 Dec 98 UP AFI 36-3207, Chapter 2, Section B (Resignation in Lieu of Further Administrative Discharge Proceedings). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Dec 60. Enlmt Age: 21 7/12. Disch Age: 38 0/12. Educ: MASTERS DEGREE. AFQT: N/A. A-86, E-96, G-96, M-98. PAFSC: 015W3 - Weather Instructor. DAS: 9 Mar 95.

b. Prior Sv: (1) AFRes 9 Jul 82 - 16 Jan 83 (6 months 8 days) (Inactive).

(2) Enlisted as A1C 17 Jan 83 for 4 yrs. Extended 19 Nov 84 for 12 months. Reenlisted as Sgt 21 Jan 87 for 6 yrs. Extended 10 Jul 92 for 7 months. Reenlisted as TSgt 21 May 93 for 4 yrs. Svd: 10 yrs 8 months 4 days, all AMS. SrA - Unknown. Sgt - Unknown. SSgt - Unknown. TSgt - 1 Jul 89. APRs: 9,9,9,9,9,9,9. EPRs: 4,5,5.

3. **SERVICE UNDER REVIEW:**

a. Appointed to 2Lt and ordered to EAD 22 Sep 93. Svd: 5 Yrs 2 Mo 20 Das, all AMS.

b. Grade Status: 1Lt - 22 Sep 95

c. Time Lost: None.

d. Art 15's: (1) 31 Mar 98, Keesler AFB, MS - Article 111. You did, at Beale AFB, CA, on or about 17 Mar 98, near the Capehart Shoppette, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your blood was 0.10 grams or more of alcohol per 100 milliliters of blood, as shown by chemical analysis. Forfeiture of \$100.00 pay per month for two months. (No appeal) (No mitigation)

(2) 18 Feb 97, Keesler AFB, MS - Article 111. You did, on or about 25 Jan 97, near gate #7, physically control a vehicle, to wit: a passenger car, while the alcohol concentration on your breath was 0.10 grams of alcohol per 210 liters of breath or greater, as shown by chemical analysis. Forfeiture of \$600.00 pay per month for two months and a reprimand. (No appeal) (No mitigation)

- e. Additional: LOR, 14 MAY 98 - Allowing intoxicated individual to operate his POV, operating his POV with a suspended license, and consuming alcohol while in alcohol rehabilitation.

Court Record, 26 JAN 98 - DUI.

LOR, 10 JUN 97 - Making a threatening and profane telephone call to an Air Force dependent wife.

LOR, 18 JUN 96 - Mutual assault with his dependent wife.

- f. CM: None.

- g. Record of SV: 07 Oct 93 - 02 May 94 Osan AB MS (CRO)  
                   03 May 94 - 02 Jan 95 Osan AB MS (CRO)  
                   03 Jan 95 - 02 Jan 96 Keesler AFB MS (Annual)  
                   03 Jan 96 - 02 Jan 97 Keesler AFB MS (Annual)  
                   03 Jan 97 - 02 Jan 98 Keesler AFB MS (Annual) **REF**

h. Awards & Decs: AFAM, AFCEM W/2 DEVS, AFLSAR W/2 DEVS, AFTR W/1 DEV, AFOSSTR, NDSM, AFOUA W/2 DEVS, NCOPMER W/2 DEVS, AFOEA.

- i. Stmt of Sv: TMS: (16) Yrs (5) Mos (3) Das  
                   TAMS: (15) Yrs (10) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Apr 04.  
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

#### ATCH

1. Letter of Appreciation.
2. Two Certificates of Appreciation.

12JUL04/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

FD2004-00154

MEMORANDUM FOR [REDACTED] 4 TRS

03 AUG 1998

FROM: 81 TRW/CC  
720 Chappie James  
Keesler AFB, MS 39534-5000

SUBJECT: Notification of Administrative Discharge Action Initiated Under AFI 36-3206,  
Chapter 3, Paragraph 3.6.4

1. I am initiating discharge action against you pursuant to AFI 36-3206, Chapter 3, paragraph 3.6.4, for serious and recurring misconduct punishable by military and civilian authorities.
2. My reasons for this action are as follows:
  - ✓a. On 12 Jun 96, you and your dependent wife assaulted each other at your on-base quarters. For your part in this misconduct you received an 18 Jun 96 LOR and an Unfavorable Information File (UIF) was established.
  - ✓b. On 25 Jan 97, at or near Keesler AFB, you drove while intoxicated. For this misconduct you received Article 15 punishment on 18 Feb 97.
  - ✓c. On 28 May 97, you made a threatening and profane telephone call to a civilian you believed to be assisting your ex-wife. For this misconduct you received a 10 Jun 97 letter of reprimand.
  - d. On 2 Jan 98, you drove while intoxicated and careless in Stone County, Mississippi. You were convicted by civilian authorities in that county for said offenses on 26 Jan 98.
  - ✓e. On 17 Mar 98, at Beale AFB, California, you drove while intoxicated. For this misconduct you received Article 15 punishment on 31 Mar 98.
  - ✓f. On 3 May 98, you willingly drove your POV while your license was suspended and later procured a clearly intoxicated civilian to drive your POV onto Keesler AFB. For this misconduct you received a 14 May 98 letter of reprimand.

The least favorable character of discharge that the Secretary of the Air Force may approve in this case is Under Other Than Honorable Conditions. Attached are copies of documentary evidence to support this action.

3. Sign and date the attached memoranda of acknowledgment immediately upon receiving this notification memorandum. Give one copy of the acknowledgment memorandum to the officer

presenting this notification memorandum to you. If you decline to acknowledge receiving this notification memorandum, the officer presenting it to you will show on it the date and time that you declined to acknowledge receiving it. The notification and acknowledgment memorandums will be a part of your case file.

4. Familiarize yourself with AFI 36-3206, particularly the rights that you have and the actions that the MAJCOM may take on receipt of your reply to the action initiated. You may contact military defense counsel, [REDACTED], telephone 377-2429, building 701, room 102 to discuss the procedures involved and your rights and options. If you decline legal counsel, contact [REDACTED] Flight Commander, Military Personnel Flight, telephone 377-2908, building 701, room 119, for counseling regarding your rights and options. If you do not take action or respond as specified in the following paragraphs, the MAJCOM will proceed with further action under AFI 36-3206.

5. Within ten (10) calendar days after you receive this notification memorandum, indorse it directly to HQ AETC/DPPAF, 1850 First Street West, Suite 1, Randolph AFB, TX, 78150-4308. The MAJCOM will proceed with further action under AFI 36-3206 if it does not receive the indorsement within the allotted time. Include in your indorsement:

a. A statement of whether you want to comment or submit documentary evidence that you want considered in evaluating your case. Attach any statements or documentary evidence. If you are unable to submit your statements or documentary evidence within 10 calendar days after receiving this notification memorandum, you may request more time as allowed under AFI 36-3206. If you request more time to respond to the action initiated, attach a copy of your request.

b. A statement that your military defense counsel counseled you and that you fully understand your rights and options in this action. If you declined counsel, so state and indicate that [REDACTED] Flight Commander, Military Personnel Flight, counseled you and that you fully understand your rights and options in this action.

c. A statement that you understand the following regarding recoupment of education assistance, special pay, or bonuses received if you haven't completed the period of active duty you agreed to serve:

- (1). Recoupment of a portion of education assistance, special pay, or bonus monies received if you voluntarily separate.
- (2). Recoupment of a portion of education assistance received if an involuntary discharge is for misconduct.
- (3). Recoupment of a portion of special pay or bonus monies received regardless of the basis for involuntary discharge.

- (4). The recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to you as the unserved portion of active duty bears to the total period of active duty that you agreed to serve.
- (5). If you dispute that you are indebted for education assistance, the board of inquiry, or, if you choose or are not entitled to a board of inquiry, an authority appointed by the MAJCOM, will make findings and recommendations concerning the validity of your indebtedness. See AFI 36-3206, paragraph 4.37, regarding special rules for recoupment.
- d. A statement notifying me whether you intend to apply for retirement or tender your resignation. If you have applied for retirement or tendered your resignation, attach a copy of the retirement application or the resignation.
- e. A statement that your military defense counsel or the Flight Commander, Military Personnel Flight, explained separation pay to you and that you understand the eligibility criteria to receive separation pay.
6. In response to this notification memorandum, you may, within 10 calendar days, tender your resignation under AFI 36-3207, Chapter 2, section B, with the understanding that, if the Secretary of the Air Force accepts your resignation, you may receive a discharge under honorable conditions (general) unless the Secretary of the Air Force determines that you should receive an honorable discharge. If the Secretary of the Air Force accepts your resignation, your discharge date will be as soon as possible but no later than 10 calendar days after the date that MPF receives separation instructions.
7. No action has been taken under AFI 31-501. You have not had any access to SCI, SIOP-ESI, or other special access programs.
8. You may request excess leave if the Air Force doesn't require your further participation in processing your case.



#### Attachments

1. Documents re 3 May 98 Apprehension
  - a. AF Form 1168 dated 3 May 98 (2pp)
  - b. AF Form 1168 dated 3 May 98 (2pp)
  - c. LOR dated o/a 14 May 98
  - d. Response to LOR dated 18 May 98
2. Documents re 17 Mar 98 DUI apprehension
  - a. AF Form 3070 (2pp) dated 31 Mar 98

## Attachment 2 to Notification Letter, Continued

- b. Article 15 Reprimand
  - c. AF Form 3545 dated 17 Mar 98 (4pp)
  - d. Armed Forces Traffic Ticket dated 17 Mar 98
  - e. MFR dated 18 Mar 98 - [REDACTED] 9 SFS
  - f. AF Form 1168 dated 18 Mar 98 - [REDACTED] (2pp)
  - g. AF Form 1168 dated 17 Mar 98 - [REDACTED] (2pp)
  - h. DD Form 1920 dated 17 Mar 98 (2pp)
  - i. Form 9MG 0-75 dated 17 Mar 98
  - j. Response (w/atch) dated 27 Mar 98 to Article 15 (3pp)
  - k. 81 TRW/CC Notification dated 31 Mar 98 of Intent to File Record of Article 15 in OSR
  - l. Response dated 1 Apr 98 to 81 TRW/CC Notification Letter dated 31 Mar 98
  - m. 2 AF/CC Decision dated 13 Apr 98 to File Record of Article 15 in OSR
3. Documents re 2 Jan 98 DUI apprehension
  - a. Mississippi Uniform Vehicle Accident Report dated 2 Jan 98 (2pp)
  - b. State of Mississippi Court Record dated 26 Jan 98 re DUI and Careless Driving Conviction/Sentence (3pp)
  - c. Copy, NCIC printout
  - d. MDPS Notice of Drivers' License Suspension dated 17 Feb 98
  - e. MDPS Printout dated 18 Mar 98 re Drivers' License Activity and DUI Conviction/Sentence
4. LOR dated 10 Jun 97 w/Atchs
  - a. Acknowledgment dated 17 Jun 97
  - b. AF Form 1168 dated 28 May 97 - [REDACTED]
  - c. Response to LOR dated 18 Jun 97
5. Documents re 25 Jan 97 DUI apprehension
  - a. AF Form 3070 dated 18 Feb 97 (3pp)
  - b. DD Form 1408 dated 24 Jan 97
  - c. AF Form 1168 dated 24 Jan 97 - [REDACTED]
  - d. AF Form 1168 dated 25 Jan 97 - [REDACTED]
  - e. AF Form 1168 dated 25 Jan 97 - [REDACTED]
  - f. KAFB Form 268 dated 24 Jan 97
  - g. DD Form 1920 dated 24 Jan 97 (2pp)
  - h. Response (w/Atch) dated 31 Jan 97 to Article 15 (4pp)
  - i. Response dated 20 Feb 97 to Recommendation to File Article 15 in Appropriate OSR
  - j. 2 AF/CC Decision dated 13 Mar 97 to File Record of Article 15 in OSR
6. LOR dated 18 Jun 96 w/Atchs
  - a. Acknowledgment dated 18 Jun 96
  - b. DD Form 1569 dated 17 Jun 96
  - c. AF Form 1168 dated 12 Jun 96 - [REDACTED]
  - d. AF Form 1168 dated 12 Jun 96 - [REDACTED]
  - e. DD Form 1805 dated 12 Jun 96 - [REDACTED]
  - f. 20 Jun 96 Response to LOR
7. AFI 36-3206
8. AFI 36-3207
9. Letters of Acknowledgment (2)