

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE A1C	AFSN/SSAN ██████████
TYPE UOTH	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 *
		X			
		X			
		X			
		X			
		X			

ISSUES A94.06	INDEX NUMBER A74.00	EXHIBITS 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 23 Jul 2004	CASE NUMBER FD-2004-00155			

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, and the right to submit an application to the AFBCMR.

INDORSEMENT		DATE: 7/23/2004
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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-2004-00155

**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:** The Board grants partial relief; the discharge is upgraded to general (under honorable conditions).

After a thorough and complete consideration of the information submitted by applicant and contained in the records, the Board concluded there was sufficient mitigation to substantiate upgrade of the discharge.

**ISSUE:**

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant requested a Discharge in Lieu of Trial by Court-martial. His misconduct included, Charge 1: physically controlling a vehicle while drunk on 5 and 18 May 1999 and Charge 2: overindulgence in intoxicating liquor, incapacitated for the proper performance of his duties, and wrongfully driving a motor vehicle with suspended driving privileges on 18 May 1999. Further evidence in the record indicated that Charge 2 on the DD Form 458 may not have been valid. While the DRB did not condone the members behavior, the Board concluded that his discharge was overly harsh.

**CONCLUSIONS:** The DRB concluded 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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by a General Discharge.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]  
[REDACTED] (Former SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr Holloman AFB, NM on 21 Jul 99 UP AFI 36-3208, Chapter 4 (Triable by Court Martial). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 13 May 69. Enlmt Age: 18 5/12. Disch Age: 30 2/12. Educ: HS DIPL. AFQT: N/A. A-46, E-53, G-52, M-76. PAFSC: 2A753 - Material Application and Repair MARS Craftsman. DAS: 11 Aug 97.

b. Prior Sv: (1) AFRes 9 Nov 87 - 15 Jun 88 (7 months 7 days) (Inactive).

(2) Enlisted as A1C 16 Jun 88 for 4 yrs. Extended 1 Aug 90 for 2 months. Reenlisted as SrA 2 Oct 91 for 4 yrs. Svd: 8 yrs 3 months 22 days, all AMS. SrA - 16 Oct 92. EPRs: 4,4,4,4,4,4,4,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 8 Oct 96 for 6 yrs. Svd: 2 Yrs 9 Mo 14 Das, all AMS.

b. Grade Status: SSGT - 1 Nov 96

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 17 FEB 99 - Reason unknown. Listed on "Request for Discharge", but is missing from file.

f. CM: None.

g. Record of SV: 10 Aug 96 - 21 Mar 97 Elmendorf AFB 5 (CRO)  
22 Mar 97 - 30 Mar 98 Holloman AFB 5 (Annual)

h. Awards & Decs: AFLSAR W/1 BOLC, AFTR, AFOSLTR, NDSM, NCOPMER W/1 BOLC, AFEM W/2 BOLCS, AFAM.

i. Stmt of Sv: TMS: (11) Yrs (8) Mos (13) Das  
TAMS: (11) Yrs (1) Mos (6) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Apr 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Letter of Recommendation.
3. Termination of Employment Letter.
4. AF Form 100.
5. DD Form 214.
6. DD Form 4.

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