

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE		AFSN/SSAN			
[REDACTED]		SRA		[REDACTED]			
TYPE GEN	X	PERSONAL APPEARANCE		RECORD REVIEW			
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	No						
X		[REDACTED]					
MEMBER SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
[REDACTED]			X				
			X				
			X				
							X
							X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD			
A94.54		A69.00		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		CASE NUMBER					
23 Sep 2004		FD-2004-00183					
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.							
[REDACTED]							
INDORSEMENT				DATE: 9/23/2004			
TO:			FROM:				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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-2004-00183

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

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB, MD on September 23, 2004. The following witness also testified on the applicant's behalf: [REDACTED] (his father).

The following additional exhibits were submitted at the hearing:

Exhibit 5: Character Reference Letter, [REDACTED]

After the hearing, the DRB obtained an E-mail message, dated 2 Apr 04 reflecting correspondence between the respondent's father, AFPC/DPPR, and AFPC DPPRSP regarding the amendment of the respondent's DD Form 214 to reflect the receipt of the AFGCM; and an AFGCM listing dated 2 Sep 03 that contains the initials of the respondent's CCF and a note, "No-Place on hold status." These items are identified as Exhibit 6. Copies of the exhibit were provided to the respondent's counsel on 4 Oct 04. Exhibit 7 is a reply received 5 Oct 04 consisting of comments by the respondent's counsel and father and a vMPF printout dated 31 Dec 03 that shows the respondent was awarded the AFGCM and the AFOUA.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants the requested relief.

ISSUE:

Applicant contends discharge was inequitable because it did not meet the definition of an Under Honorable Conditions (General) discharge as described by AFI 36-3208 as the few and minor negative aspects of his conduct do not outweigh the many documented positive aspects of his service. The Board concluded the misconduct was minor, occurred within a brief time period, and was likely influenced by the applicant's diagnosed personality disorder. In examining the misconduct, the board further concluded that the quality of the applicant's service generally met Air Force standards of acceptable conduct and performance of duty and that the negative aspects of his conduct did not outweigh the otherwise positive aspects of the airman's total military record.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's characterization should be changed to Honorable under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Andrews AFB, MD on 20 Feb 04 UP AFI 36-3208, para 5.32 (Alcohol Rehabilitation Failure). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 Nov 81. Enlmt Age: 18 4/12. Disch Age: 22 3/12. Educ: HS DIPL. AFQT: N/A. A-48, E-44, G-37, M-35. PAFSC: 3P051 - Security Forces Journeyman. DAS: 9 Feb 01.

b. Prior Sv: (1) AFRes 29 Mar 00 - 18 Sep 00 (5 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 19 Sep 00 for 6 yrs. Svd: 3 Yrs 5 Mo 2 Das, all AMS.

b. Grade Status: SrA - 19 Jan 03

c. Time Lost: None.

d. Art 15's: None.

e. Additional: ADAPT MEMO, 4 NOV 03 - Continued pattern of non-compliance to substance abuse treatment.

MEMO FOR 89SFS/CC, 14 MAY 03 - Substance abuse Treatment Failure.

LOC, 24 OCT 03 - Failure to complete Squadron Ancillary Training.

LOR, 15 OCT 03 - Dereliction of duty and failure to obey orders.

LOC, 15 OCT 03 - Failure to go.

LOR, 13 MAR 03 - Damaging government property and communicating a threat.

f. CM: None.

g. Record of SV: 19 Sep 00 - 18 May 02 Andrews AFB 5 (Initial)
19 May 02 - 18 May 03 Andrews AFB 3 (Annual)REF

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

i. Stmt of Sv: TMS: (3) Yrs (10) Mos (23) Das
TAMS: (3) Yrs (5) Mos (2) Das

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4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 May 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Letter of Recommendation.
3. Ten Documents of Appreciation.
4. Aerobic Fitness Report.
5. Enlisted Performance Report.

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ARGUMENTS/CONTENTIONS

My discharge characterization was inequitable based on my documented acceptable performance that meets the definition of an Honorable discharge as described by AFI 36-3208, Administrative Separation of Airmen.

My discharge characterization does not meet the definition of an Under Honorable Conditions (General) discharge as described by AFI 36-3208 since the few, and minor, negative aspects of my conduct do not outweigh the many positives of my performance.

The actions that led to my discharge were my failure to successfully complete three separate alcohol rehabilitation treatment programs.

I was discharged for "Alcohol Rehabilitation Failure" according to my DD FM 214. I am not denying this at all. However, I firmly believe that I am not an alcoholic. I realize that I could have denied my own feelings and went along with the various program requirements, passed each, and still have been in the Air Force today. But, I just couldn't admit to something I am not.

I failed the ADAPT program at Andrews AFB and the SARP program at Anacostia NAS (March and April 03 respectively) because I told the counselors I did not think my occasional, as they put it, binge drinking, made me an alcoholic. They did not agree and recommended I be separated. Because the medical authorities had to follow regulations and practices regarding rehab failures, I did not disagree with their decision to fail me, I did however disagree with their recommendation to discharge me.

I failed the ASAP at Walter Reed in September 03 for the same reasons as my first two failures, I did not believe I was an alcoholic. It was at this point in my career that I really didn't care anymore. The Air Force didn't want to hear what I believed, and I didn't want to hear what the Air Force had to say. I was tired of going to daily AA meetings and really didn't want to sign up to a rehab sponsor. I knew my future days in the Air Force were limited and I was sad that my career was coming to an end. This third failure led to the decision to discharge me.

Not mentioned anywhere in my discharge package is the fact that I successfully completed the four week intake program at Norfolk Naval Base in Aug 03. I was sent here after the ADAPT and SARP failures. This program was much more demanding and personnel than the other three. I never really had to admit I was an alcoholic here, but they really got into my head about a number of areas that really made me think about myself and where my current life patterns were taking me. I actually learned quite a bit at Norfolk and was thankful for the opportunity to attend.

The actions that led to the Under Honorable Conditions (General) discharge characterization include two Letters of Reprimand and two Letters of Counseling.

Letter of Reprimand dated 13 March 03 for destruction of government property and communicating a threat. This incident occurred while I was TDY to Ft Dix New Jersey in February 2003.

Letter of Reprimand dated 15 Oct 03 for dereliction of duty. I was reprimanded for not properly removing weeds and then failing to complete a task consisting of disassembling pallets.

Letter of Counseling dated 15 Oct 03 for failure to attend squadron Physical Training.

Letter of Counseling dated 24 Oct 03 for failure to complete squadron ancillary training.

The incident at Ft Dix was not alcohol related. It happened while I was TDY to PHOENIX READINESS, a two week course which readies security forces personnel for future deployments. I was six days into this course and lost my cool one night after my bunk mates continued to tease me about a relationship I had with a female airman back at Andrews earlier in the year. I asked them to stop, they didn't, and I reacted. It was error in judgment on my part.

The remaining 3 incidents all occurred within a 10 day period in Oct 03. It was during this time that I came to the realization that the out-patient treatment I was recommended to undergo after Norfolk was just too much for me to handle. When I gave up on the treatment programs I also gave up on my duties. No argument there. It was during this time that I realized I was going to be separated for not complying with my post-Norfolk treatment regimen. I had just failed the third rehab program (Walter Reed) when once again I refused to admit I was an alcoholic and didn't want to partake in daily breathalyzer tests. At this point I lost all respect for myself...basically I gave up. I didn't do anything serious, just didn't follow the rules. The punishments were justified. Fortunately I righted myself the last three months of my service and completed my time at Andrews as a productive airman working in the Visitor Center.

Other items of discussion

I have attached a number of letters of appreciation and such which occurred during my tenure as a security forces member at Andrews. Please note these occurred throughout my entire tour of duty and included are a number of letters which are dated after the initial incident at Ft Dix. (Feb 03).

I was also the Sam Fox award winner at my First Term Airman Course at Andrews in Mar 01. I won this award for being the number one graduate in my class.

In Mar 03, the 89AW/CC, [REDACTED] coined me for my role in a crime suppression team that apprehended a car thief in the Summerfield housing area.

I've attached a copy of the only completed EPR I received while on active duty. I saw a draft copy of my second and only other evaluation, a referral EPR, but can tell you it is in error as written as it states I had 3 failures in alcohol rehab when in fact it was two (my third occurred well after this EPR closed

out). I don't know if that error was fixed before this EPR went final but if not, I could appeal it as it is a material error. The original should be in my record.

My discharge package is also in error as it states I received an LOR for failing to complete squadron ancillary training on 20 Oct 03. In fact I received a LOC for that incident.

I received an Air Force Good Conduct Medal for the period Sept 00 to Sep 03

Why do I feel my discharge characterization is improper and inequitable? Because I was awarded a Good Conduct Medal! Yes that's right. My commander determined that my overall conduct for 36 months, which includes two of the treatment failures, a referral EPR (for failure to complete rehab—I was still marked consider for promotion I believe) and the most serious misconduct (LOR at Ft Dix), was acceptable enough to award me the Good Conduct Medal.

When you look at the definition of an Under Honorable Conditions (General) in the AFI it states...*this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record.* This is what I don't get. I got a Good Conduct Medal for 36 months of "exemplary conduct". But was it a 10 day period in Oct 03 which swayed my commander's recommendation to give me a less desirable characterization? Pulling weeds incorrectly, not completing a task of disassembling pallets, and failing to go to ancillary and physical training were enough to stain my 36+ months of acceptable conduct and performance of duty and ultimately jeopardize my Honorable discharge? To me that's improper.

I am not hanging my hat on the fact that I received a Good Conduct Medal. I would be submitting this application to you even if I had not received the medal because I firmly believe the punishments I received were not adverse enough to warrant the discharge characterization I received.

Final thoughts

I have not attached any character references or letters of support. Honestly, I really don't think I need them. My record stands on itself and I do not believe I need my friends, co-workers, or supervisors to reiterate what you can already read on my first EPR and the numerous letters of recognition.

I thoroughly enjoyed my time in the United States Air Force. I have no hard feelings toward anyone in my chain of command at the 89SFS regarding the fact that I was discharged. I failed alcohol rehabilitation and my commander followed established Air Force policy as prescribed in the separation AFI. However, I never had a DUI. I was never punished, counseled, or identified as being drunk and disorderly...either on or off duty. I never reported to duty in a drunken or hung over state. I made some mistakes as noted above, no doubt about it. But they were not serious enough to warrant anything more than LORs and LOCs. I received a Good Conduct Medal which covered 3 years (nearly 90%) of the time I was on active duty. I feel the characterization of my discharge is wrong and that based on my documented performance and awards/medal won, should have the characterization of my discharge upgraded to Honorable. Thank you for your time.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 89TH AIRLIFT WING (AMC)

FD 2004-00182

30 Dec 03

MEMORANDUM FOR [REDACTED]

FROM: 89 SFS/CC
1845 Westover Drive
Andrews AFB MD 20762

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure in the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program, Substance Abuse Rehabilitation Program (SARP), and Army Substance Abuse Program (ASAP). The authority for this action is AFPD 36-32, *Personnel, Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section F, paragraph 5.32. If my recommendation is approved, your service will be characterized as general (under honorable conditions).

2. My reason for this action is that you failed three alcohol rehabilitation programs because you were uncooperative.

a. You were evaluated by the ADAPT program on 12 March 2003 and your treatment began 20 March 2003. You were discharged from the ADAPT program as a treatment failure on 26 March 2003. Sue Scheddel, a clinical social worker, indicated you failed the ADAPT program because you did not comply with the requirements of the ADAPT program. She stated you demonstrated poor judgment, impulsivity, and deliberate non-compliance with treatment efforts, as well as an untreated alcohol problem. [REDACTED] also stated the prognosis for treatment of your alcohol abuse problem is poor and you should be administratively separated. (Atchs 1-2)

b. In addition, you were referred to the SARP at the Anacostia Naval Medical Center on 5 April 2003. Your drinking pattern was 6-7 days per week and three-ten drinks per occasion. The goal of your treatment plan was for you to live a non-alcohol centered life and to develop life skills to deal with depression. During group discussions, you contradicted yourself numerous times and you laughed and used humor to deflect and rationalize your alcohol use. On 3 May 2003, you disclosed that you were still drinking alcohol and you said that you had a few years to think about it. In a Standard Form 800, [REDACTED] a substance abuse counselor intern, indicated you were discharged from the SARP program as a treatment failure on 7 May 2003 and the prognosis for successful treatment of your alcohol abuse was poor. (Atch 3)

c. On 25 September 2003, you were admitted into ASAP at Walter Reed Army Medical Center in Washington DC. Your evaluation indicated you had difficulty dealing with authority figures and you had symptoms of alcohol dependence. On 12 November 2003, substance abuse counselor [REDACTED] (MC), determined that successful treatment of your alcohol problem was unlikely and he indicated you failed the ASAP. (Atchs 4-5)

AMC--GLOBAL REACH FOR AMERICA

3. Other matters I have considered in determining whether you should be discharged and how the discharge should be characterized are:

a. You failed to complete squadron ancillary training by 20 October 2003, as ordered by [redacted] and unit training. For this misconduct, you received a Letter of Reprimand dated 24 October 2003. (Atch 6)

b. On 10 October 2003, you were derelict in the performance of your duties by failing to remove weeds from the planted area at the Visitors Center, as ordered by [redacted]. [redacted] found weeds and trash in the same area on 14 October 2003 and told you to remove them. Again, you failed to remove them. In addition, on 14 October 2003 you failed to complete your project of disassembling pallets. You claimed you did not finish the task because you did not know where [redacted] was and could not get tools you needed from him. That was a false statement. You knew where he was. For the above misconduct you received a Letter of Reprimand dated 15 October 2003. (Atch 7)

c. On 15 October 2003, without authority, you failed to attend squadron Physical Training (PT). I have made attendance at squadron PT mandatory. [redacted] and [redacted] had previously ordered you to attend PT. For this misconduct, you received a Letter of Counseling dated 15 October 2003. (Atch 8)

d. On 6 February 2003, while you were deployed to Fort Dix New Jersey, you willfully damaged military property by stabbing a mattress with a knife. The cost of the damage to the mattress was \$250.00. You also threatened your roommates by threatening to cut their throats while they were sleeping. For the above misconduct, you received a Letter of Reprimand dated 13 March 2003. (Atch 9)

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. In addition, funds that you received for education assistance or training may be subject to recoupment.

5. You have the right to military counsel. I have made an appointment for you with the Area Defense Counsel. Report to 1430 Arnold Avenue at 1630 hrs on 5 JAN 2004, for an appointment with [redacted]. You may request, if reasonably available, another military counsel of your choosing. 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 no later than 3 duty days from today, unless you request and receive an extension for good cause shown. I will send them to the separation authority. (7 Jan 04/1700 hrs)

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 have been scheduled for a medical examination on 8 JAN 2004 at 0900. You must

report to the 89th Medical Group, for the examination. Report to Physical Exams, Bldg 1075, Room Y05 prior to your appointment to pick up your DD Form 2697.

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 at the Area Defense Counsel's office.

10. Execute the attached acknowledgment and return it to me immediately.

[Redacted Signature]
[Redacted Name]
[Redacted Title]
Commander, 89th Security Forces Squadron

Attachments:

- 1. ADAPT Evaluation, 14 May 03
- 2. ADAPT Memo, 4 Nov 03
- 3. Standard Form 800; Discharge Summary, undated
- 4. DA Form 8003, 25 Sep 03
- 5. ASAP Memorandum, 12 Nov 03
- 6. LOC, 24 Oct 03
- 7. LOR, 15 Oct 03
- 8. LOC, 15 Oct 03
- 9. LOR, 13 Mar 03
- 10. Airman's receipt of notification