

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE AMN	AFSN/SSAN ██████████			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		NOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A93.01	INDEX NUMBER A67.00	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 14 Dec 2004	CASE NUMBER FD-2004-00220					
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="border: 1px dashed black; height: 100px; width: 100%;"></div>						
INDORSEMENT		DATE: 12/14/2004				
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-2004-00220

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE: Applicant was discharged for misconduct. Although member's discharge processing files and medical records were unavailable to the Board for review due to being missing from the record, the Board was aware that member had three Articles 15. One was for underage drinking at San Antonio, TX while assigned to Brooks AFB, one was for drunk driving while assigned to Aviano AB, Italy, and the third was for failure to go, also while assigned to Aviano AB. Because member's discharge file was unavailable to the Board for review, the Board was unable to determine if any additional misconduct on member's part formed part of the basis for the discharge. The Board also could not determine if member consulted counsel or submitted statements on his own behalf at the time of the discharge. When requested to provide any pertinent information he may have about the discharge file or his record of service, applicant failed to respond. Applicant noted while in the service he was young and immature and being assigned overseas contributed to him acting out in a disruptive way. The Board noted applicant was over the age of 19 when discharged, essentially the same age as other airman on their first enlistments who properly adhere to standards and complete their service without a record of misconduct. Applicant failed to provide any documented evidence to substantiate his contentions, and lacking such evidence to the contrary, the Board relies on the presumption of regularity and finds the discharge proper and without basis for an upgrade. No inequity or impropriety could be found in the records available for 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]
[REDACTED]
(Former AMN) (HGH A1C)

MISSING DISCHARGE DOCUMENTS & MEDICAL
RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Andrews AFB, MD on 6 May 97 UP AFI 36-3208 (Misconduct). Appeals for Honorable Discharge.
2. **BACKGROUND:**
 - a. DOB: 5 Sep 77. Enlmt Age: 17 10/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 4F031 - Aeromedical Apprentice. DAS: Unknown.
 - b. Prior Sv: (1) AFRes 19 Jul 95 - 26 Jul 95 (8 days) (Inactive).
3. **SERVICE UNDER REVIEW:**
 - a. Enlisted as AB 27 Jul 95 for 4 yrs. Svd: 1 Yrs 9 Mo 10 Das, all AMS.
 - b. Grade Status: Amn - 13 Mar 97 (Article 15, 13 Mar 97)
A1C - Unknown
AMN - Unknown
 - c. Time Lost: None.
 - d. Art 15's: (1) 2 Apr 97, Aviano AB, Italy - Article 86. You did, on or about 21 Mar 97, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended forfeiture of \$505.00 pay. Thirty days restriction, and a reprimand. (No appeal) (No mitigation)
 - (2) 13 Mar 97, Aviano AB, Italy - Article 111. You did, on or about 12 Feb 97, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your blood was 0.10 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. Reduction to Airman, and forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)
 - (3) 16 Nov 95, Brooks AFB, TX - Article 92. You, being under 21 years of age, did, at San Antonio, Texas on or about 4 November 95, fail to obey a lawful general regulation, to wit: AFI 34-119, dated 25 Jul 94, by wrongfully drinking alcohol. Forfeiture of \$75.00 pay. (No appeal) (No mitigation)
 - e. Additional: Unknown.

- f. CM: Unknown
- g. Record of SV: Unknown.
- h. Awards & Decs: AFTR, NDSM, AFSM, NATO MEDAL.
- i. Stmt of Sv: TMS: (1) Yrs (9) Mos (18) Das
TAMS: (1) Yrs (9) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 May 04.
(Change Discharge to Honorable)

Issue 1: I am hoping that the board will review my records and find that while I was discharged for misconduct, it was a series of youthful offenses. I was so young, and I believe much too young to be sent overseas alone and with great amounts of freedom granted. Especially in these days of war, I truly regret my misconduct for I would gladly volunteer to serve my contry (sic) if I had to do it all over again. I think that will be a constant regret for the rest of my life. So now I choose to serve as a volunteer for the [REDACTED] (sic) [REDACTED] " In this capacity I feel I am still doing my small part for the country.

ATCH

- 1. DD Form 214.

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