

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AB	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		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 A94.05	INDEX NUMBER A67.10	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 12 Oct 2004	CASE NUMBER FD-2004-00253	
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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: 10/12/2004
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-2004-00253

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 and change of reason and authority for discharge are denied.

ISSUE: Applicant contends discharge was inequitable because it was too harsh due to the fact that he was diagnosed with sleep apnea and severe depression. The records indicated the applicant received three Article 15s, ten Letters of Reprimand, and three Letters of Counseling for various acts of misconduct. Although some of the member's infractions (i.e., failure to go) is mitigated by his Obstructive Sleep Apnea, the gravity of the member's remaining disciplinary infractions (drunk driving, underage drinking, abuse of a prescription medication, dereliction of duty and disobeying an order) bear no causal or mitigating relationship with his medical condition. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be 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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Eglin AFB, FL on 4 Dec 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 23 Nov 82. Enlmt Age: 18 7/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-48, E-49, G-36, M-38. PAFSC: 2A631D - Aerospace Propulsion F110 Jet Engine. DAS: 20 May 02.

b. Prior Sv: (1) AFRes 28 Jun 01 - 10 Oct 01 (3 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Oct 01 for 4 yrs. Svd: 2 Yrs 1 Mo 24 Das, all AMS.

b. Grade Status: AB - 20 Mar 03 (Article 15, 20 Mar 03)
A1C - 11 Feb 03
Amn - 11 Apr 02

c. Time Lost: None.

- d. Art 15's: (1) 03 Nov 03, Eglin AFB, FL - Article 86. You did, on or about 6 Oct 03, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 9 Oct 03, without authority, fail to go at the time prescribed to your appointed place of duty. Forfeiture of \$575.00 pay per month for 2 months and a reprimand. (No appeal) (No mitigation)
- (2) 03 Jun 03, Eglin AFB, FL - Article 92. You, who knew of your duties, on or about 26 Apr 03, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcohol while under the age of twenty-one (21), as it was your duty to do. Sixty days restriction and a reprimand. (No appeal) (No mitigation)
- (3) 20 Mar 03, Eglin AFB, FL - Article 86. You did, on or about 12 Feb 03, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 3 Mar 03, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB, and 30 days restriction. (No appeal) (No mitigation)

- e. Additional: LOR, 29 MAY 03 - Speeding, erratic driving and driving while intoxicated.
 LOR, 29 MAY 03 - Financial irresponsibility.
 LOR, 29 MAY 03 - Abuse of prescribed medication.
 LOR, 24 MAR 03 - Two hours late to a mandatory appointment.
 LOR, 20 MAR 03 - Late for work.
 LOR, 30 JAN 03 - Late for work.
 LOR, 13 JAN 03 - Failed room inspection.
 RIC, 03 DEC 02 - Failure to conform to Air Force standards.
 LOR, 16 OCT 02 - Late for work.
 RIC, 08 OCT 02 - Failed uniform inspection.
 LOR, 30 JUL 02 - Late for work and room in unacceptable condition.
 LOR, 02 JUL 02 - Late for work.
 RIC, 14 JUN 02 - Late for work.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: NDSM, AFTR, BMT.
- i. Stmt of Sv: TMS: (2) Yrs (5) Mos (7) Das
 TAMS: (2) Yrs (1) Mos (24) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 29 Jul 04.
 (Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

Issue 1: I am applying to have my General Discharge upgraded to an Honorable Discharge or change the reason to unable to adapt to military lifestyle. While I was in the Air Force I did some things I not (sic) proud of and regret. Most of my negative action resulted from me sleeping in. I was diagnosed with sleep apnea and severe depression which resulted in my sleeping in. On several occasions I told my supervisors this, but they refused to believe me. I am requesting this change to my discharge, because the job I'm looking at will not hire me because the reason for discharge is misconduct. At this point I'm doin (sic) very well, I've gotten in no trouble. I currently (sic) a full time student. I thank you for reviewing this matter, and can only say my career is in your hands now.

ATCH
 None.

9AUG04/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 33D FIGHTER WING (ACC)
EGLIN AIR FORCE BASE, FLORIDA

FD2004-00253

27 JUN 03

MEMORANDUM FOR [REDACTED]

FROM: 33 MXS/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 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. You, who knew of your duties at or near Fort Walton Beach, Florida, on or about 26 April 2003, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcohol while under the age of twenty-one (21), as it was your duty to do. For these offenses, you received nonjudicial punishment, dated 3 June 2003.
 - b. On 26 April 2003, you operated a motor vehicle while drunk. For this offense, you received letter of reprimand, dated 29 May 2003.
 - c. On 21 April 2003, your unit was notified that you had an outstanding debt of \$1,553.00 for five past-due automobile loan payments. For this offense, you received letter of reprimand, dated 29 May 2003.
 - d. Between on or about 5 May 2003 and on or about 29 May 2003, you abused the prescription medication Ritalin. For this offense, you received letter of reprimand, dated 29 May 2003.
 - e. On or about 21 March 2003, you reported two hours late to a mandatory ADAPT appointment. For this offense, you received letter of reprimand, dated 24 March 2003.
 - f. On or about 20 March 2003, you reported late to duty. For this offense, you received letter of reprimand, dated 20 March 2003.
 - g. On or about 12 February 2003 and on or about 3 March 2003, you failed to report to duty. For these offenses, you received nonjudicial punishment, dated 20 March 2003.
 - h. On or about 15 January 2003, you failed to report to duty. Furthermore, you willfully disobeyed an order from [REDACTED] the Squadron Section Commander and were derelict in the performance of your duties by failing to standby in service dress uniform at your

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dorm room ready for inspection. For these offenses, you received letter of reprimand, dated 30 January 2003.

i. On or about 8 January 2003, a dormitory inspection was conducted and your room failed with numerous violations. On 9 December 2002, a month prior to the 8 January inspection, your room was found to be in an unlivable condition. For these offenses, you received letter of reprimand, dated 13 January 2003.

j. On or about 2 December 2002, you reported to duty in a uniform that had not been washed or pressed. For this offense, you received record of individual counseling, dated 3 December 2002.

k. On or about 11 October 2002, you failed to reported to duty at 0700. When [REDACTED] was sent to find you at 0815 hours you were still in bed with the your alarm clock going off. For this offense, you received a letter of reprimand, dated 16 October 2002.

l. On 3 October 2002 and 4 October 2002, during roll call you were informed that the JEIM section would have a uniform inspection on 7 October 2002 and maintenance badges were mandatory. On 7 October 2002, you failed the uniform inspection for failing to get a haircut, missing maintenance badges and a sloppy uniform. For these offenses, you received a record of individual counseling, dated 8 October 2002.

m. On or about 26 July 2002, you failed to report duty at 0730 hours. [REDACTED] was sent to find you. At 0730 you were still in bed and your quarters were in an unacceptable condition. For these offenses, you received a letter of reprimand, dated 30 July 2002.

n. On or about 2 July 2002, you failed to report to duty at 0700 hours. You also failed to notify your supervisor you would be late. For these offenses, you received a letter of reprimand, dated 2 July 2002.

o. On or about 14 June 2002, you reported to duty late for the third time in three weeks. For this offense, you received a record of individual counseling, dated 14 June 2002.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained 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 has been obtained to assist you. I have made an appointment for you to consult [REDACTED] at building 451, 882-4185, on 7 Jul 03 at 0800 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in 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. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **2 Jul 03** at **1030** hours.
8. Immediately after completion of your separations briefing report to the 96th Traffic Management Office with an Authorization Letter (provided by Separations) to schedule your TMO pickup. If you have has a TMO pickup it must be before **11 Jul 03**. Immediately after your separation briefing you should go to the housing office if you reside in base quarters to schedule your pre/post inspections.
9. You will complete a medical examination with the 96th Medical Group, Force Health Management (formerly physical exams) located at the main hospital on the 2nd floor on **1 Jul 03** at **0715** hours.
10. You are required to receive a briefing from the Family Support Center prior to your separation. You were scheduled to receive your Transition Assistance Management Program (TAMP) briefing. Member has already attended.
11. 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.
12. Execute the attached acknowledgment and return it to me immediately.


 Lt Col, USAF
Commander

Attachments:

1. Supporting Documents
2. Airman's Acknowledgment