

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>		GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>			
TYPE GEN	PERSONAL APPEARANCE	<b>X</b>	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No	NAME OF COUNSEL AND OR ORGANIZATION				
	<b>X</b>					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
ISSUES	A95.00	INDEX NUMBER	A67.10			
		EXHIBITS SUBMITTED TO THE BOARD				
		<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	12 Oct 2004	CASE NUMBER	FD-2004-00269			
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: 10/02/2004	
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		

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

[REDACTED]

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Elmendorf AFB, AK on 16 Nov 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 28 Jan 81. Enlmt Age: 17 11/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-77, E-35, G-30, M-35. PAFSC: 3A031 - Information Management Apprentice. DAS: 21 Oct 99.

b. Prior Sv: (1) AFRes 23 Jan 99 - 15 Jun 99 (4 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Jun 99 for 4 yrs. Svd: 2 Yrs 5 Mo 1 Das, all AMS.

b. Grade Status: AB - 21 Aug 01 (Article 15, 21 Aug 01)  
A1C - 16 Oct 00  
Amn - 16 Dec 99

c. Time Lost: None.

d. Art 15's: (1) 17 Sep 01, Elmendorf AFB, AK - Article 92. You, who knew of your duties, on or about 18 May 01, were derelict in the performance of those duties in that you willfully failed to maintain insurance on your vehicle, Alaska plate number DYH751, as it was your duty to do. Forfeiture of \$200.00 pay, 45 days restriction, and 45 days extra duty. (No appeal) (No mitigation)

(2) 21 Aug 01, Elmendorf AFB, AK - Article 81. You did, between on or about 1 Feb 01 and on or about 6 Mar 01, conspire with then Airman [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: wrongful possession of some amount of lysergic acid diethylamide, commonly known as "LSD" or "acid," and that in order to effect the object of the conspiracy, the said Airman [REDACTED] did attempt to obtain the LSD. Reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR, 17 SEP 01 - Consuming alcohol underage.  
LOR, 11 SEP 00 - Failure to go.  
LOC, 04 AUG 00 - Disrespect to an NCO.  
LOC, 26 MAY 00 - Financial Irresponsibility.

EOC, 27 DEC 00 - End of Course Examination Failure.  
EOC, 06 NOV 00 - End of Course Examination Failure.

f. CM: None.

g. Record of SV: 16 Jun 99 - 15 Feb 01 Elmendorf AFB 4 (Initial)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (25) Das  
TAMS: (2) Yrs (5) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Jul 04.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

NO ISSUES SUBMITTED.

**ATCH**

1. Congressional Correspondence.
2. Elements and Discussion of Alleged Offenses.
3. Enlisted Performand Report.
4. Three Letters of Appreciation.
5. Letter of Recommendation.
6. Five Character References.
7. Four Letters of Appreciation.

18AUG04/ia

FD 2004-00267

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

SEP 25 2001

MEMORANDUM FOR 381 IS/SCE [REDACTED]

FROM: 381 IS/CC

SUBJECT: Notification Memorandum--Board Hearing

1. I am recommending your discharge from the United States Air Force for misconduct based on minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.49. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached.

2. My reasons for this action are:

a. On or about 15 Sep 01, you were derelict in the performance of your duties in that you negligently failed to refrain from consuming alcoholic beverages while under the age of 21. For this offense, you received a Letter of Reprimand (LOR), dated 17 Sep 01.

b. On or about 18 May 01 you were derelict in the performance of your duties in that you willfully failed to maintain insurance on your vehicle, Alaska plate number DYH751, as it was in your duty to do. For this offense you received an Article 15, dated 12 Sep 01, forfeiture of \$200.00 pay, restriction to the limits of your duty location, dormitory, place of worship, dining facility, and medical facility, or as otherwise designated by 381 IS/CC in writing on Elmendorf Air Force Base, Alaska for 45 days, 45 days extra duty, and a UIF entry was accomplished.

c. Between on or about 1 Feb 01 and on or about 6 Mar 01, you conspired with then Airman [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: wrongful possession of some amount of lysergic acid diethylamide, commonly known as "LSD" or "acid," and that in order to effect the object of the conspiracy, the said [REDACTED] did attempt to obtain the LSD. For this offense you received an Article 15, dated 16 Aug 01, and reduction to the grade of Airman Basic, and a UIF was established.

d. On 11 Sep 00, you were derelict in the performance of your duties in that you failed to go at the prescribed time to your appointed place of duty and failed to respond to a mandatory unit recall. For this offense you received an LOR dated 11 Sep 00.

g. On 3 Aug 00, you were derelict in the performance of your duties in that you disrespected a superior noncommissioned officer. For this offense you received a Letter of Counseling dated 4 Aug 00.

f. On 22 Mar 00, you were derelict in the performance of your duties that you made and uttered to AAFES a certain check and failed to maintain sufficient funds in your checking

account for payment of this check in full upon its presentment for payment. For this offense you received an LOC, dated 26 May 00.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending you receive an under other than honorable conditions discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces, and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to:

a. Receive written notice of the reasons for discharge, including the circumstances upon which each reason is based, and the least favorable type of separation authorized.

b. Receive copies of the documents to be forwarded to the separation authority in support of the recommendation for discharge.

c. Consult legal counsel. Military legal counsel will be detailed to assist you.

d. Request a hearing before an administrative discharge board.


e. Present written statements in addition to, or in lieu of, the board proceedings.

f. Be represented before the board by Area Defense Counsel assigned to the installation or by military counsel of your choice, if the counsel of choice is reasonably available, but not by both. The availability of counsel of choice will be determined according to AFI 51-201, Military Justice Guide.

g. Be represented before the board by civilian counsel. Civilian counsel may be employed only at your own expense.

h. Waive any of the above rights except the first two. Your failure to respond, after being given a reasonable opportunity to consult counsel, constitutes a waiver of all rights listed above except the first two. You must consult legal counsel before making a decision to waive any of your rights.

5. You have been scheduled for medical examinations. You must report to the 3rd Aerospace Medicine Squadron, Bldg 5595 at 0730 on 26 Sep 01 with your medical records. You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

6. Military legal counsel has been obtained to assist you. An appointment has been scheduled for you to consult  at Bldg 10480, Rm 330 on 25 Sep 01 at 1008

\_\_\_\_\_. Instead of the appointed counsel, you may have another attorney represent you, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply in writing, within 7 duty days, specifying the rights, if any, you choose to exercise. This statement must be signed in the presence of your counsel who will also sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at \_\_\_\_\_ on \_\_\_\_\_. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Rm 247 at 0730 on 27 Sep 01.

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 your Squadron Orderly Room.

10. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

12. Execute the attached Receipt of Notification Memorandum and return it to me immediately.



Col, USAF

Commander

Attachments:

- 1. LOR, 17 Sep 01
- 2. AF Form 1137
- 3. AF Form 3070, 12 Sep 01
- 4. AF Form 3070, 16 Aug 01
- 5. LOR, 11 Sep 00
- 6. LOC, 4 Aug 00
- 7. LOC, 26 May 00
- 8. Report of Course Examination Card, 27 Dec 00
- 9. Report of Course Examination Card, 6 Nov 00