

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE A1C	AFSN/SSAN [REDACTED]																																			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW																																			
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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-2004-00281**

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

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, change of reason and authority for discharge, and change of reenlistment code are denied.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. He does state that he was young and still growing up and can't blame any one but himself for his actions. The records indicated the applicant received an Article 15, two Letters of Reprimand and a DA Form 3975 all relating to alcohol related problems. 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. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 20 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr McGuire AFB, NJ on 25 Jun 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 13 Nov 72. Enlmt Age: 17 4/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-85, E-46, G-53, M-30. PAFSC: 81150 - Security Specialist. DAS: 7 Feb 93.

b. Prior Sv: (1) AFRes 9 Apr 90 - 16 Sep 90 (5 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 17 Sep 90 for 4 yrs. Extended 7 Sep 92 for 6 months. Svd: 2 Yrs 9 Mo 9 Das, all AMS.

b. Grade Status: A1C - 13 Apr 93 (Article 15, 13 Apr 93)  
Unknown

c. Time Lost: None.

d. Art 15's: (1) 13 Apr 93, RAF Upper Heyford, UK - Article 111. You, did, at or near the NCO Club, RAF Upper Heyford, Oxfordshire, United Kingdom, on or about 28 Mar 93, operate a vehicle, to wit: a passenger car while drunk. Reduction to A1C, forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 22 SEP 92 - Late for duty.  
LOR, 21 SEP 92 - Drunk and disorderly.  
DA FORM 3975, 12 OCT 91 - Driving Under the Influence of Alcohol.

f. CM: None.

g. Record of SV: 17 Sep 90 - 10 Aug 92 Ramstein AB 4 (Initial)

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

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (16) Das  
TAMS: (2) Yrs (9) Mos (9) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Jul 04.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I [REDACTED] had a couple of alcohol related incidents during my service to my country while in the U.S. Air Force. At the time I was young and still growing up I cannot blame no one but myself for my actions. I am accountable for what I have done. Since being discharged from the U.S. Air Force, I have attended college, started a family in which I have 3 boys and 2 girls and currently work for the State of Illinois as an automobile technician. I do not drink alcohol or smoke and haven't done so in over 6 years, in order to maintain and function as a husband, father, and a working man. Please consider my discharge status, I strongly feel it will assist me in becoming more successful in my future endeavors. It has been over 10 years since I have served my country and I would want anything more then the oppurtunity (sic) to serve my country again if I were given a chance. Thank you.

**ATCH**

None.

20AUG04/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 20TH SECURITY POLICE SQUADRON (USAF)  
APO NEW YORK 09194-5000

PD 2004-00281



REPLY TO  
ATTN OF: CC

15 JUN 93

SUBJECT: Notification Letter

TO: ALC [REDACTED] 20 SPS

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct according to AFR 39-10, under the provisions of paragraph 5-47a. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 12 Oct 91, you were driving under the influence of alcohol (DUI), and you refused to comply with the Implied Consent Policy. On 23 Oct 91, your Blood Alcohol Test (BAT) results showed you as being legally intoxicated. Your driving privileges were accordingly preliminarily suspended on 23 Oct 91, and revocation of your driving privileges was confirmed on 23 Oct 91.

b. On or about 5 Sep 92, you were engaged in drunk and disorderly conduct, which resulted in you receiving a Letter of Reprimand dated 21 Sep 92, and the establishment of an Unfavorable Information File (UIF), from your previous commander.

c. On or about 18 Sep 92, you failed to show at your appointed place of duty, building 2371, at the appointed time. For this failure you received a Letter of Reprimand dated 22 Sep 92, from [REDACTED] which was placed in your UIF.

d. On 28 Mar 93, you were driving under the influence of alcohol (DUI), for which you were suspended from the Personnel Reliability Program (PRP) for 14 days pending the outcome of the Blood Alcohol Test (BAT). On 29 Mar 93, your BAT results showed you as being legally intoxicated. For this offense you received an Article 15 dated 13 Apr 93, from [REDACTED] and you were permanently decertified from PRP on 13 Apr 93.

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 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, and will probably be denied enlistment in any component of the armed forces.

3. 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 the Area Defense Counsel, [REDACTED] at RAF Upper Heyford, Bldg 36, extension 4885 on 17 JUN 93 at 0800 hours. You may consult civilian counsel at your own expense.

Right People. Right Mission. Right Now.


4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 8 JUN 93, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the USAF Hospital, Physical Examination Section, RAF Upper Heyford, at 0730 hours on 16 JUN 93.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in your unit orderly room.

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

  
Capt, USAF  
Squadron Section Commander

2 Atch

1. Airman's Acknowledgment
2. Evidence in support of discharge