



**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD-2004-00293

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

The applicant was offered a personal appearance before the Discharge Review Board 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 applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues 5 and 6. Applicant was discharged for commission of a serious offense. During the enlistment under review, he had two Letters of Reprimand (LOR) and an Article 15, all for alcohol-related misconduct. He was found drunk on duty and was driving drunk when his blood alcohol content was .306. Member admitted to drinking almost an entire bottle of peppermint schnapps in the parking lot of his duty section before returning to work to eat his lunch. Member was previously counseled by his unit in an effort to help him correct his deficiencies and had ample opportunity to improve his behavior. He failed to respond to previous rehabilitative efforts, so he was held accountable for his actions. Additionally, member had a history of alcohol-related misconduct in previous enlistments, including two previous drunk driving offenses and a drunk and disorderly incident on base at the noncommissioned officer club. He was previously administratively demoted and put on the Control Roster due to his alcohol-related misconduct. Member was diagnosed alcohol dependent and twice went through alcohol rehabilitation programs, once inpatient, and once outpatient. At the time of the discharge, applicant submitted a conditional waiver of his right to an administrative board hearing conditioned upon receipt of an honorable discharge. When that was rejected he submitted an unconditional waiver of his right to a board hearing, and submitted a statement in his own behalf requesting retention. Applicant now cites his positive accomplishments during his nearly 15 years of service, to include awards, decorations, positive performance reports, and overseas deployment. The Board noted however that in spite of many efforts over his career to help member correct his deficiencies, he was not motivated enough to conform to standards and his misconduct continued. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were its basis. Thus, no inequity or impropriety was found in this discharge in the course of the records review.

Issues 1 - 4 apply to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, this does not provide a basis of inequity or impropriety on which to justify an upgrade. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

**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]  
 (Former SrA) (HGH SSgt)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Moody AFB, GA on 26 Sep 97 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Jun 64. Enlmt Age: 17 7/12. Disch Age: 33 3/12. Educ: HS DIPL. AFQT: N/A. A-34, E-48, G-33, M-32. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: 2 May 95.

b. Prior Sv: (1) AFRes 4 Feb 82 - 11 Nov 82 (9 months 8 days) (Inactive).

(2) Enlisted as AB 12 Nov 82 for 4 yrs. Reenlisted as SrA 19 Sep 86 for 4 yrs. Extended 25 Jul 89 for 6 months. Reenlisted as SSgt 18 Sep 90 for 4 yrs. Svd: 11 yrs 11 months 21 days, all AMS. AMN - 12 May 83. A1C - 12 Nov 83. SrA - 12 Nov 85. Sgt - 1 Nov 86. SSgt-(APR Indicates): 9 Sep 88-8 Sep 89. SrA - 17 Mar 93 (Demotion). APRs: 9,9,9,9,9,9,9. EPRs: 5,5,5,3(REF),5.

ART 15: 5 May 86, Moody AFB, GA - Article 111. You did, on or about 3 May 86, at the North Gate, operate a vehicle, to wit: a passenger car while drunk. Suspended reduction to A1C, and 30 days correctional custody. (No appeal) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 3 Nov 94 for 4 yrs. Svd: 2 Yrs 10 Mo 23 Das, all AMS.

b. Grade Status: SrA - 16 May 97 (Article 15, 16 May 97)  
 SSgt - 1 Aug 95.

c. Time Lost: None.

d. Art 15's: (1) 16 May 97, Moody AFB, GA - Article 112. You, were, on or about 5 May 97, found drunk on duty as a munitions inspector. Article 111. You, did, on or about 5 May 97, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was .306 grams of alcohol per 210 liters of breath as shown by chemical analysis. Reduction to SrA, forfeiture of \$500.00 pay. Suspended forfeiture of \$500.00. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 16 NOV 92 - Operating a motor vehicle while intoxicated.  
 LOR, 08 AUG 89 - Conduct unbecoming an NCO while

intoxicated.

f. CM: None.

g. Record of SV: 28 Feb 94 - 27 Feb 95 Moody AFB 5 (Annual)  
 28 Feb 95 - 27 Feb 96 Moody AFB 5 (Annual)  
 28 Feb 96 - 27 Feb 97 Moody AFB 5 (Annual)

h. Awards & Decs: AFAM W/1 OLC, AFCM W/1 OLC, AFLSAR W/2 OLCS, AFTR, SWASM W/3 SS, AFOSSTR W/1 OLC, AFOSLTR W/1 OLC, NDSM, NCOPMER W/1 OLC, AFEM, KLM(KUWAIT), KLM(SAUDI ARABIA), AFOUA W/VALOR/5 OLCS, AFGCM W/3 OLCS.

i. Stmt of Sv: TMS: (15) Yrs (7) Mos (23) Das  
 TAMS: (14) Yrs (10) Mos (15) Das

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

I request my discharge to be upgraded to honorable based on records and reasons listed below.

Issue 1: I have been married for over 6 yrs and have 1 daughter and 1 stepson. My stepson is currently serving in the USAF at Shaw AFB. I played a major role in his decision to join and serve his country.

Issue 2: I'm very devoted to God, country and my family. I've maintained a productive way of life since departing the military. I support local charities, activities and events making this community a better place to live.

Issue 3: I've achieved a supervisory position with a major retail within 4 yrs. I have a goal of becoming a manager within the next two years.

Issue 4: I also have a goal of becoming a postman for the U.S. Post Office, and achieving management. A honorable discharge would help achieve this goal.

Issue 5: I would like to elaborate on my military career. I was very proud to serve my country and being in the USAF. I would do it all over again, of course wit a better outcome. I had a lot of outstanding achievements like performance reports, awards, decorations and seen the world. I performed all duties with my up most (sic) abilities. I was devoted to the USAF.

ISSUE 6: I volunteered to go to the Gulf War and defended my country proudly.

ATCH  
 None.

26AUG04/ia



**DEPARTMENT OF THE AIR FORCE**

**HEADQUARTERS 397TH WING (ACC)  
MOODY AIR FORCE BASE, GEORGIA**

FD 2004-00293

12 June 1997

MEMORANDUM FOR [REDACTED]

FROM: 347 EMS/CC

SUBJECT: Notification Memorandum - Board Hearing

1. I am recommending your discharge from the United States Air Force for Commission of Serious Offenses. The authority for this action is AFI 36-3208, paragraph 5.52.3. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. You were, at Moody Air Force Base, Georgia, on or about 5 May 1997, found drunk while on duty as a munitions inspector, in violation of Article 112 of the UCMJ.

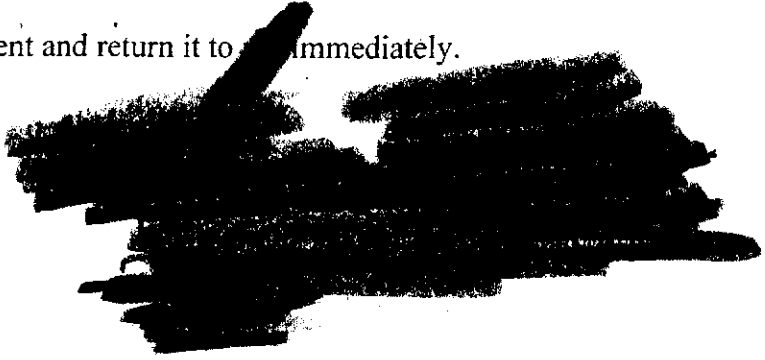
b. You did, at Moody Air Force Base, Georgia, on or about 5 May 1997, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was .306 grams of alcohol per 210 liters of breath, as shown by chemical analysis, in violation of Article 111 of the UCMJ.

On or about 16 May 1997, you received nonjudicial punishment pursuant to Article 15, UCMJ, for the above offenses. Punishment included reduction to the grade of senior airman, and a suspended forfeiture of \$500.00 pay.

3. This action could result in your separation with an under other than honorable conditions discharge. I am recommending that you receive an under honorable conditions (general) discharge. The commander exercising Special Court-Martial (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 subjected to recoupment.

4. You have the right to:
  - a. Consult legal counsel;
  - b. Present your case to an administrative discharge board;
  - c. Be represented by legal counsel at a board hearing;
  - d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing;
  - e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
  
5. 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] in Bldg 5107, Extension 3421, on **12 June 1997 at 1500**. Please take your copy of this Notification Memorandum and attachments with you to your first appointment with your counsel. Instead of the appointed counsel, you may have another, 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.
  
6. Confer with your counsel and reply, in writing, within **seven (7)** workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will 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.
  
7. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Physical Exams Section, Bldg 3296, at **0730** on **16 June 1997** for the examination. **This is a mandatory appointment.**
  
8. 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 the orderly room.
  
9. 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.
  
10. The discharge board or the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).

11. Execute the attached acknowledgment and return it to [REDACTED] immediately.



Attachments:

1. Supporting Documents, Reasons for Discharge
  - a. MFR, 6 Mar 97
  - b. Article 15 (AF Form 3070), 7 May 97
  - c. Written Presentation to Art 15, w/atch, 12 May 97
  - d. Written Presentation to Art 15 Appeal, w/atch, 20 May 97
  - e. EMS/CC Memo Regarding Art 15 Appeal, 21 May 97
2. Derogatory Information From Previous Enlistments (not used as basis or for characterization)
  - a. Art 15, May 86
  - b. LOR, 8 Aug 89
  - c. Notice of Disposition, Nov 89
  - d. Incident Report, 6 Nov 92
  - e. LOR, 16 Nov 92
  - f. UIF/Control Roster Action, Nov 92
  - g. Demotion Action, 22 Mar 93
  - h. PRP Decertification, Nov 96
3. Airman's Acknowledgment