

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>				GRADE SRA		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>		
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW		
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL						
YES	No	<div style="background-color: black; width: 100%; height: 15px;"></div>						
X		<div style="background-color: black; width: 100%; height: 15px;"></div>						
MEMBER SITTING				HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>								X
								X
								X
								X
								X
ISSUES A93.19 A93.01 A93.29		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				
HEARING DATE 16 Dec 2004		CASE NUMBER FD-2004-00357		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
				TAPE RECORDING OF PERSONAL APPEARANCE				
<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; width: 100%; height: 100%;"></div>								
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-2004-00357

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.

ISSUES:

Issue 1. Applicant was discharged for minor disciplinary infractions. The records indicated during the enlistment under review the applicant received two Letters of Reprimand and had an Unfavorable Information File for misconduct consisting of arriving at his Alcohol and Drug Abuse Prevention and Treatment Program appointment with alcohol on his breath and in his system, and for a civilian arrest for driving under the influence of alcohol (DUI). Applicant now notes he was young and immature, and stationed far from home in an isolated area. He further notes he learned from his mistakes and apologizes for his irresponsible behavior. The Records reflected that member had a DUI offense in his previous enlistment, as well as other misconduct. But in spite of being allowed to reenlist, his alcohol-related misconduct continued. The DRB opined that the applicant had ample opportunities while in the military service to change his negative behavior but was unwilling or unable to do so. The DRB also recognized the applicant was 21 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 as old as the vast majority of service members who properly adhere to the Air Force's standards of conduct. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge was appropriate.

Issue 2. Applicant cites his post-service activities and his desire to receive Illinois state veterans' education benefits as justification for upgrade. The DRB was pleased to see that the applicant was doing well and has a good job. The Board was also sympathetic to the impact the loss of education benefits was having on the applicant. However, these contentions do not provide a basis of inequity or impropriety on which to justify an upgrade, nor was one found in the course of the record review. 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 SrA)

MISSING SOME DISCHARGED DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Schriever AFB, CO on 19 May 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 19 Jul 78. Enlmt Age: 18 3/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-57, E-58, G-42, M-44. PAFSC: 1C651 - Space Systems Operations Journeyman. DAS: 15 Nov 99.

b. Prior Sv: (1) AFRes 24 Oct 96 - 28 Jan 97 (3 months 5 days) (Inactive).

(2) Enlisted as AB 29 Jan 97 for 4 yrs. Svd: 3 yrs 0 months 1 day, all AMS. AMN - Unknown. A1C - 29 May 98. SrA - 29 Jan 00. EPRs: 3(REF), 3.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as 31 Jan 00 for 5 yrs. Svd: 0 Yrs 3 Mo 18 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: (Examiner's Note: The folloing documents are missing from the file, but extracted from the Notification Memorandum).

LOR, 29 MAR 00 - Civil arrest for Driving Under the Influence of Alcohol.

LOR, 29 MAR 00 - Arriving at an Alcohol and Drug Abuse Prevention and Treatment Program while intoxicated.

LOC, 10 JAN 00 - Financial irresponsibility.

LOR, 10 FEB 99 - Failure to go and failure to return to the local area at the end of leave.

LOR, 14 SEP 98 - Civil arrest for Driving Under the Influence, operating an unregistered/uninsured vehicle, and driving with undue care resulting in the hospitalization of another military member by striking him with your car.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (26) Das
TAMS: (3) Yrs (3) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Aug 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.

28OCT04/ia



DEPARTMENT OF THE AIR FORCE

50TH SPACE WING (AFSPC)

FD 2004-00357

20 Apr 00

MEMORANDUM FOR [REDACTED]

FROM: 3 SOPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct (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 or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 9 Mar 00, you were arrested by the Colorado Springs Police for Driving Under the Influence of Alcohol. For this offense you received a Letter of Reprimand dated 29 Mar 00 and an Unfavorable Information File was established on 14 Apr 00, (atch 1a and 1c).

b. On or about 17 Mar 00, you arrived at an Alcohol and Drug Abuse Prevention and Treatment Program appointment with an odor of alcohol on your breath. A subsequent blood test revealed your alcohol level at .052, over the Colorado State limit for Driving While Alcohol Impaired. For this offense you received a Letter of Reprimand dated 29 Mar 00 (atch 1b).

3. I am also including the following derogatory data:

a. On or about 4 Sep 98, you were arrested by the South Australian Police for driving under the influence, operating an unregistered/uninsured vehicle and driving with undue care. Your actions resulted in the hospitalization of another military member when you struck him with your car. For this misconduct you received a Letter of Reprimand dated 14 Sep 98, (atch 2a).

b. On or about 10 Jan 99, you were 60 days delinquent to pay your government credit card debt. For this misconduct you received a Letter of Counseling dated 10 Jan 00, (atch 2b).

c. On or about 20 Jan 99, you failed to report to your appointed place of duty at the time prescribed. Also you failed to return to the local area on 16 Jan 99 at the end of your leave. For these offenses you received a Letter of Reprimand dated 10 Feb 99, (atch 2c).

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.
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 the Area Defense Counsel at Peterson AFB CO on 24 Apr 00 at 1500 hours. You may consult civilian counsel at your own expense.
6. 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 the date you receive this memorandum of notification unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. 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.
8. You have been scheduled for a medical examination. You must complete the attached DD Form 2697 and report to the Peterson AFB Flight Medicine Clinic on 26 Apr 00 at 0945 hours for the examination.
9. You must report to MPF Separations immediately to receive a briefing.
10. 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.



Attachments:

1. Supporting Documents:
 - a. Letter of Reprimand, 29 Mar 00
 - b. Letter of Reprimand, 29 Mar 00
 - c. Unfavorable Information File, 14 Apr 00
2. Derogatory Data:
 - a. Letter of Reprimand, 14 Sep 98
 - b. Letter of Counseling, 10 Jan 99
 - c. Letter of Reprimand, 10 Feb 99
3. Acknowledgment
4. Statement of Understanding
5. DD Form 2697