

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

INITIAL)							
TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No						
	X						
MEMBER SITTING			VOTE OF THE BOARD				
			HON	GEN	UOHC	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		CASE NUMBER					
28 Jul 2005		FD-2004-00507					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
<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> <p>Names and votes will be made available to the applicant at the applicant's request.</p>							
ENDORSEMENT							
TO:			DATE: 8/1/2005				
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-2004-00507

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for drinking under age, a Vacation action under the UCMJ for again, consuming alcoholic beverages while under age and for DWI. In addition, he received one Letter of Reprimand, one Letter of Counseling and two Memorandums for Record for various acts of misconduct to include violation of Air Force grooming standards, horse playing which caused damage in the fire station, another DWI and for wrongfully operating a motor vehicle while driving privileges were suspended. 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 AMN) (HGH A1C)

MISSING ENLISTMENT DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Seymour Johnson AFB, NC on 2 Jun 99 UP AFI 36-3208, para 5.49 (Pattern of Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Jun 78. Enlmt Age: 17 7/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-82, E-46, G-44, M-18. PAFSC: 3E751 - Fire Protection Journeyman. DAS: 11 Feb 97.

b. Prior Sv: (1) AFRes 6 Feb 96 - 7 Aug 96 (6 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted a AB 8 Aug 96 for 4 years. Svd: 02 Yrs 09 Mo 26 Das, all AMS.

b. Grade Status: AMN - 02 Jun 98 (Vacation of Article 15, 9 Nov 98)  
A1C - 08 Dec 97  
AMN - 08 Feb 97

c. Time Lost: None.

d. Art 15's: (1) 9 Nov 98 - Vacation, Seymour Johnson AFB, NC - Article 92. You, who knew of your duties, on or about 24 Oct 98, were derelict in the performance of those duties in that you willfully consumed alcoholic beverages while under the legal age of twenty-one, as it was your duty not to do. Article 111. You did, on or about 24 Oct 98, on US 70 in the vicinity of Cove City, NC, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your blood was .10 grams of alcohol per 210 liters of breath or greater, as shown by chemical analysis. Reduction to AMN and restriction to Base for 60 days. (No appeal) (No mitigation)

(2) 02 Jun 98 - Seymour Johnson AFB, NC - Article 92. You, who knew of your duties, on or about 18 Apr 98 and on or 30 Apr 98, were derelict in the performance of those duties in that you willfully consumed alcoholic beverages while under the legal age of twenty-one, as it was your duty not to do. Suspended reduction to AMN and suspended restriction to base for 60 days. Reprimand. (No appeal) (No mitigation)

- e. Additional: MFR, 28 Apr 99 - Wrongfully operated a motor vehicle on base while driving privileges were suspended.  
MFR, 04 Nov 98 - Wrongfully operated a motor vehicle while drunk.  
LOR - 29 Jul 98 - Were horse playing in the fire station and your juvenile actions caused damage to the wall of the study room.  
LOC - 29 Jul 98 - Violation of AF grooming standards.

f. CM: None

- g. Record of SV: 08 Aug 96 - 13 Apr 98 Seymour Johnson AFB 4 (Initial)  
14 Apr 98 - 13 Apr 99 Seymour Johnson AFB 2 (Annual) REF

h. Awards & Decs: AFTR

- i. Stmt of Sv: TMS: (03) Yrs (03) Mos (28) Das  
TAMS: (02) Yrs (09) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Dec 04.  
(Change Discharge to Honorable)

Issue 1: My discharge was improper because it was based on one main incident.

ATCH  
None.

17FEB05/day



# DEPARTMENT OF THE AIR FORCE

4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

MEMORANDUM FOR AMN [REDACTED]

11 MAY 1999

FROM: 4 CES/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 my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, section H, paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending your service be characterized as general.

2. My reasons for this action:

a. On or about 18 Apr 98, you were derelict in the performance of your duties in that you willfully consumed alcoholic beverages while under the legal age of 21, as it was your duty not to do. This is evidenced by a Record of Nonjudicial Punishment Proceedings and attachments dated 2 Jun 98 and an Unfavorable Information File Summary Entry dated 8 Jun 98 (Tab 2a).

b. On or about 30 Apr 98, you were derelict in the performance of your duties in that you willfully consumed alcoholic beverages while under the legal age of 21, as it was your duty not to do. This is evidenced by a Record of Nonjudicial Punishment Proceedings and attachments dated 2 Jun 98 and an Unfavorable Information File Summary Entry dated 8 Jun 98 (Tab 2a).

c. On 29 Jul 98, you violated standards of dress and personal appearance in that you reported for duty with your hair dyed an unnatural or faddish color. This is evidenced by a Record of Individual Counseling and attachments dated 29 Jul 98 (Tab 2b).

d. On 29 Jul 98, you violated FOI 332-2001.3.15 by horse playing in the fire station, causing damage to government property, namely the wall of the study room. This is evidenced by a Letter of Reprimand dated 29 Jul 98 (Tab 2c).

e. On or about 24 Oct 98, you were derelict in the performance of your duties in that you willfully consumed alcoholic beverages while under the legal age of 21, as it was your duty not to do. This is evidenced by a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment and attachments dated 9 Nov 98, an Unfavorable Information File Summary dated 2 Dec 98 and a Suspension of On-base Driving Privileges—One Year Memorandum dated 4 Nov 98 (Tab 2d).

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f. On or about 24 Oct 98, you wrongfully operated a motor vehicle while drunk. This is evidenced by a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment and attachments dated 9 Nov 98, an Unfavorable Information File Summary dated 2 Dec 98 and a Suspension of On-base Driving Privileges—One Year Memorandum dated 4 Nov 98 (Tab 2d).

g. On or about 16 Apr 99, you wrongfully operated a motor vehicle on base while your driving privileges were suspended. This is evidenced by a Revocation of On-base Driving Privileges—2 Years Memorandum and attachments dated 28 Apr 99 (Tab 2e).

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, 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.

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 Capt [REDACTED] Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 13 MAY 99 (date) at 0900 (time). 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 by 14 MAY 99 / 1630 (allow three duty days) 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a mandatory medical examination at the Physical Examination Section, 4th Medical Group, Seymour Johnson AFB, at 0745 hours on 12 May 99. You will be scheduled for a mandatory follow-up appointment by the Physical Exams staff during that 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 at the unit orderly room or the Area Defense Counsel office.

9. Execute the attached acknowledgement and return it to me immediately.

  
Lt Col, USAF  
Commander

Attachments:

1. Supporting Documentation:
  - a. Article 15 and atchs, 2 Jun 98  
UIF Summary
  - b. RIC and atchs, 29 Jul 98
  - c. LOR, 29 Jul 98
  - d. AF Form 366 and atchs, 9 Nov 98  
UIF Summary  
Suspension Ltr, 4 Nov 98
  - e. Revocation Ltr and atchs, 28 Apr 99
2. Airman's Receipt of Notification Memorandum
3. Physical Examination
4. EPRs

11 MAY 1999