

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>			GRADE AMN		AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px;"></div>		
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	UOTHC	OTHER	DENY
							X
							X
							X
							X
							X
ISSUES A93.09		INDEX NUMBER A67.50		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 27 Apr 2005		CASE NUMBER FD-2004-00439					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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>							
SIGNATURE OF BOARD PRESIDENT							
INDORSEMENT				DATE: 4/27/2005			
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			

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2004-00439</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and change the reenlistment code.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDINGS:</b> Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are denied.</p> <p>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.</p> <p><b>ISSUE:</b> Applicant does not contest his discharge. He merely states that during the last few months of his enlistment, he was going through the stressful process of getting a divorce. The records indicated the applicant received two Article 15s and two Vacation actions under the UCMJ. All four actions revolved around destroying military property, providing alcoholic beverages to underage airman, having an unauthorized minor in the dormitories and for being drunk and disorderly. The DRB opined that through these administrative actions, and the fact that the misconduct occurred between 18 November 2001 and 13 August 2002, 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.</p> <p><b>CONCLUSIONS:</b> 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

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

[REDACTED]  
[REDACTED]  
(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Holloman AFB, NM on 20 Dec 02 UP AFI 36-3208, para 5.50.1 (Pattern of Misconduct - Discreditable Involvement With Military Authorities). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 10 Jul 79. Enlmt Age: 18 10/12. Disch Age: 23 5/12. Educ: HS DIPL. AFQT: N/A. A-77, E-88, G-78, M-86. PAFSC: 2E652 - Communications Cable Systems Journeyman. DAS: 1 Apr 01.

b. Prior Sv: (1) AFRes 22 May 98 - 14 Jul 98 (1 month 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 15 Jul 98 for 5 yrs. Svd: 4 Yrs 5 Mo 6 Das, all AMS.

b. Grade Status: Amn - 8 May 02 (Vacation of Article 15, 8 Sep 02)  
A1C - 20 Dec 01 (Vacation of Article 15, 12 Apr 02)  
SrA - 15 Nov 00

c. Time Lost: None.

d. Art 15's: (1) 04 Sep 02, Vacation, Holloman AFB, NM - Article 108. You did, on or about 13 Aug 02, without proper authority and through neglect, destroy military property of the United States by breaking a window with a pool cue and damaging a wall with a foosball table. Reduction to Airman. (No appeal) (No mitigation)

(2) 8 May 02, Holloman, AFB, NM - Article 92. You, who knew or should have known of your duties, on or about 31 Mar 02, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcoholic beverages to Amn [REDACTED] an individual under the age of 21 years, as it was your duty to do so. You, who knew or should have known of your duties, on or about 31 Mar 02, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcoholic beverages to [REDACTED], an individual under the age of 21 yrs, as it was your duty to do so. You, who knew or should have known of your duties, on or about 31 Mar 02, were derelict in the performance of those duties in that you willfully failed to refrain from having an unauthorized minor in the

dormitories, as it was your duty to do so. You, who knew or should have known of your duties, on or about 4 Apr 02, were derelict in the performance of those duties in that you willfully failed to refrain from having an unauthorized minor in the dormitories, as it was your duty to do so. Suspended reduction to Airman. Fourteen days restriction, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

(3) 12 Apr 02, Vacation, Holloman AFB, NM - Article 92. You, who should have known of your duties, on or about 31 Mar 02, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcoholic beverages to [REDACTED] an individual under the age of 21 years, as it was your duty to do so. Reduction to A1C. (No appeal) (No mitigation)

(4) 20 Dec 01, Holloman AFB, NM - Article 134. You, were, between on or about 18 Nov 01, and on or about 19 Nov 01, drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces. Suspended reduction to A1C, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 15 Jul 98 - 15 Jan 00 Kadena AB 4 (HAF Dir)  
 16 Jan 00 - 15 Jan 01 Kadena AB 5 (Annual)  
 16 Jan 01 - 15 Jan 02 Holloman AFB 4 (Annual)

h. Awards & Decs: AFTR, AFLSAR, NDSM.

i. Stmt of Sv: TMS: (4) Yrs (6) Mos (29) Das  
 TAMS: (4) Yrs (5) Mos (6) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Oct 04.

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

Issue 1: During the last few months of my enlistment I was going through the stressful process of getting a divorce. Before my discharge I was advised to seek legal counsel. Unfortunety (sic) during this stressful series of events my morale was shot and I chose not to defend myself. I certainly feel the outcome would have been different due to my improvement in the previous months before my discharge.

I have made serious lifestyle changes and am sure I would be a valuable member of the Air Force.

**ATCH**

1. Character Reference.
2. DD Form 256A, Honorable Discharge Certificate.
3. Two Certificates of Appreciation.

6JAN05/ia



# DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 49TH FIGHTER WING (ACC)  
HOLLOMAN AIR FORCE BASE, NEW MEXICO

FD 2004-00439

04 NOV 2002

MEMORANDUM FOR AMN [REDACTED]

FROM: 49 CS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, discreditable involvement with military authorities. The authority for this action is AFI 36-3208, *Administrative Separation of Airmen*, Section 5H, paragraph 5.50.1. If my recommendation is approved, you will receive an honorable or an under honorable conditions (general) characterization. I am recommending that you receive an under honorable conditions (general) characterization.

2. My reasons for this action are as follows:

a. You were, at or near Holloman Air Force Base, New Mexico, between on or about 18 November 2001 and on or about 19 November 2001, drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces. For your misconduct, you received Article 15 punishment with UIF action on 20 December 2001, consisting of reduction to the grade of Airman First Class, suspended until 19 June 2002, and a reprimand. (Atch 1)

b. You, who should have known of your duties, at or near Holloman Air Force Base, New Mexico, on or about 31 March 2002, were derelict in the performance of your duties in that you willfully failed to refrain from providing alcoholic beverages to [REDACTED] an individual under the age of 21 years, as it was your duty to do. For your misconduct, your previously suspended reduction to the grade of Airman First Class was vacated on 12 April 2002. (Atch 2)

c. You, who knew or should have known of your duties, at or near Holloman Air Force Base, New Mexico, on or about 31 March 2002, were derelict in the performance of your duties in that you willfully failed to refrain from providing alcoholic beverages to Airman [REDACTED] and [REDACTED] individuals under the age of 21 years, as it was your duty to do. You, who knew or should have known of your duties, at or near Holloman Air Force Base, New Mexico, on or about 31 March 2002 and on or about 4 April 2002, were derelict in the performance of your duties in that you willfully failed to refrain from having an unauthorized minor in the dormitories, as it was your duty to do. For your misconduct, you received Article 15 punishment with UIF action on 8 May 2002, consisting of suspended reduction to grade of Airman, until 7 November 2002, restriction to Holloman Air Force Base, New Mexico for 14 days, 14 days extra duty, and a reprimand. (Atch 3)

d. You did, at or near Holloman Air Force Base, New Mexico, on or about 13 August 2002, without proper authority and through neglect, destroy military property of the United States by breaking a window with a pool cue and damaging a wall with a foosball table. For your

misconduct, your previously suspended reduction to the grade of Airman was vacated on 4 September 2002. (Atch 4)

3. 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 you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force, 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 consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Maj [REDACTED], Area Defense Counsel, Building 222, Holloman AFB, phone 3473, at 1300 hours on 4 November 2002. 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 7 Nov unless you request and receive an extension for good cause shown. I will forward your statements 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 medical examination. You must report to Family Practice Clinic, Bldg 15, at 845 hours on 5 November 2002 for the examination.

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 office of the Area Defense Counsel.

9. You must execute the attached receipt and return it to me immediately. This receipt does not admit or deny any of the allegations against you, nor does it mean that you agree with the discharge action. It is simply an acknowledgment that you have received this Letter of Notification.

[REDACTED]  
[REDACTED] Maj, USAF  
[REDACTED] Commander

Attachments:

1. Article 15 w/UIF, 20 December 2001
2. Vacation action, 12 April 2002
3. Article 15 w/UIF, 8 May 2002
4. Vacation action, 4 September 2002