

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

(INITIAL)

<b>TYPE GEN</b>		<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No			
	<b>X</b>			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b>	A94.05	<b>INDEX NUMBER</b>	A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>	
				<b>1</b>	ORDER APPOINTING THE BOARD
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
				<b>3</b>	LETTER OF NOTIFICATION
				<b>4</b>	BRIEF OF PERSONNEL FILE
					COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE

<b>HEARING DATE</b>	<b>CASE NUMBER</b>
02 Jun 2005	FD-2004-00497

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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.

Names and votes will be made available to the applicant at the applicant's request.

<b>SIGNATURE OF RECORDER</b>	<b>SIGNATURE OF BOARD PRESIDENT</b>

**INDORSEMENT** **DATE: 6/2/2005**

<b>TO:</b>	<b>FROM:</b>
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2004-00497**

**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 does not contest his discharge. He merely states that his discharge was due to a DWI and that he attended rehab treatment, had no further incidents, and was unemployed seeking assistance with educational benefits. The applicant was discharged for more reasons than the DWI. The records indicated the applicant received an Article 15 for assaulting his wife and an Article 15 for DWI. In addition, he received two Letters of Reprimand, a Letter of Counseling, and nine vehicle related traffic tickets. 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 A1C) (HGH SGT)

**1. MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Travis AFB, CA on 30 Apr 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

**2. BACKGROUND:**

a. DOB: 21 May 56. Enlmt Age: 22 7/12. Disch Age: 34 11/12. Educ: HS DIPL. AFQT: N/A. A-29, E-54, G-66, M-87. PAFSC: 46250 - Aircraft Armament Systems Specialist. DAS: 2 Feb 87.

b. Prior Sv: (1) AFRes 18 Jan 79 - 7 Feb 79 (21 days) (Inactive).

(2) Enlisted as AB 8 Feb 79 for 4 yrs. Extended 20 Mar 81 for 13 months. Svd: 4 yrs 6 months 11 days, all AMS. AMN - Unknown. A1C - 24 Sep 79. SrA - 1 Jun 81. Sgt - 14 May 82. APRs: 9,8,8,8.

**3. SERVICE UNDER REVIEW:**

a. Enlisted as Sgt 19 Aug 83 for 4 yrs. Ext 27 Oct 86 for 29 months. Ext 23 Dec 86 got 12 months. Svd: 7 Yrs 8 Mo 11 Das, all AMS.

b. Grade Status: A1C - 14 Dec 90 (Article 15, 14 Dec 90)

c. Time Lost: None.

d. Art 15's: (1) 14 Dec 90, Kadena AB, Japan - Article 111. You did, on or about 4 Dec 90, at Gate 2, operate a vehicle, to wit: a passenger car, while drunk. Reduction to A1C. (No appeal) (No mitigation)

(2) 19 Aug 87, Kadena AB, Japan - Article 128. That you did, on or about 2 Aug 87, unlawfully strike Lorraine N. Groomes on the face with your hand and in the abdomen with your fist. Suspended reduction to A1C. (No appeal) (No mitigation)

e. Additional: VBC, 06 AUG 90 - Speeding.  
Traffic Ticket, 23 JUN 89 - Illegal parking.  
RIC, 22 JUN 89 - Failing to yield to a pedestrian.  
Traffic Ticket, 8 MAR 89 - Illegal parking.  
Traffic Ticket, 31 OCT 88 - Parking in a fire lane.  
LOR, 05 OCT 88 - Failed room inspection.  
LOR, 01 FEB 88 - Failure to go.

Traffic Ticket, 15 JAN 88 - Improperly backing POV.  
 Traffic Ticket, 18 SEP 87 - Operating a POV with expired  
 vehicle registration.  
 Traffic Ticket, 07 SEP 87 - Operating a POV with expired  
 American vehicle registration.  
 VBC, 04 AUG 87 - Financial irresponsibility.  
 Traffic Ticket, 11 JUN 87 - Illegal parking.

f. CM: None.

g. Record of SV: 14 Jun 83 - 29 Mar 84 MacDill AFB 8 (CRO)  
 30 Mar 84 - 09 Oct 84 MacDill AFB 8 (CRO)  
 10 Oct 84 - 09 Oct 85 MacDill AFB 9 (Annual)  
 10 Oct 85 - 09 Oct 86 MacDill AFB 9 (Annual)  
 10 Oct 86 - 09 Oct 87 Kadena AB 7 (Annual)  
 10 Oct 87 - 09 Oct 88 Kadena AB 8 (Annual)  
 10 Oct 88 - 09 Oct 89 Kadena AB 3 (Annual)  
 10 Oct 89 - 09 Oct 90 Kadena AB 4 (Annual)

h. Awards & Decs: AFTR, NDSM, AFOSLTR, AFGCM W/2 OLCS, AFLSAR W/2 OLCS,  
 AFOSSTR, AFAM, AFOUA.

i. Stmt of Sv: TMS: (12) Yrs (3) Mos (13) Das  
 TAMS: (12) Yrs (2) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Dec 04.  
 (Change Discharge to Honorable)

Issue 1: Request upgrade of discharge from General/under Honorable  
 condition to Honorable with full benefits (sic) and entitlements (sic).

I have returned to college full time and I am unemployed seeking assistance with  
 educational benefits.

Issue 2: My discharge was due to a DUI without injury with rehab treatment  
 and no further (sic) incident (sic).

**ATCH**

1. DD Form 214.

5JAN05/ia



DEPARTMENT OF THE AIR FORCE  
18TH AIRCRAFT GENERATION SQUADRON (PACAF)  
APO SAN FRANCISCO 96239

FD 2004-00497

REPLY TO  
ATTN OF: CC

JAN 11 1991

SUBJECT: Notification Letter - Board Hearing

A1C [REDACTED] 18 AGS (PACAF), Kadena  
TO: AB, Japan

1. I am recommending your discharge from the United States Air Force for Misconduct according to AFR 39-10, under the provisions of 5-46, Minor Disciplinary Infractions. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reason for this action is your pattern of minor disciplinary infractions. Specifically:

a. On 11 Jun 87, you parked your privately owned vehicle (POV) in a no parking area. As a result, you received a traffic citation (Tab 1-1).

b. On or about 30 Jun 87, you let your NCO Club Account become 60 days delinquent. As a result, you were counseled on 4 Aug 87 (Tab 1-2).

c. On 2 Aug 87, you unlawfully struck your wife on the face with your hand and in the abdomen with your fist. As a result, you received an Article 15 on 19 Aug 87 and reduction to A1C (suspended) (Tab 1-3).

d. On 7 Sep 87, you operated your vehicle with an expired American Registration. As a result, you were issued a traffic citation (Tab 1-4).

e. On 18 Sep 87, you operated your POV with an expired vehicle registration. As a result, you were issued a traffic citation (Tab 1-5).

f. On 15 Jan 88, you improperly backed your POV. As a result, you were issued a traffic citation (Tab 1-6).

g. Between 19 - 22 Dec 87, you failed to attend a scheduled OJT Supervisors' Course. As a result, you received a Letter of Reprimand (LOR) on 1 Feb 88 (Tab 1-7).

h. On 3 Oct 88, your room failed to meet inspection requirements. As a result, you received an LOR on 5 Oct 88 (Tab 1-8).

GOVERNMENT EXHIBIT 2/2  
for identification  
NE 2 11.1.88 1 of 3

i. On 31 Oct 88, you parked your POV in a fire lane. As a result, you were issued a traffic citation (Tab 1-9).

j. On 8 Mar 89, you parked your POV in a reserved parking slot. As a result, you were issued a traffic citation (Tab 1-10).

k. On 21 Apr 89, you were issued a traffic citation for failing to yield to a pedestrian. As a result, you were individually counseled on 22 Jun 89 (Tab 1-11).

l. On 23 Jun 89, you parked your POV in a non-designated area. As a result, you were issued a traffic citation (Tab 1-12).

m. On 20 Jul 90, you violated Japanese road traffic law Article 22.1,4.1 (Speeding). As a result, you were counseled on 6 Aug 90 (Tab 1-13).

n. On 4 Dec 90, you operated your vehicle while drunk. As a result, you received an Article 15 on 14 Dec 90, reduction to A1C (Tab 1-14).

3. This action could result in your separation with an honorable, general or under other than honorable conditions discharge. I am recommending that you receive a general discharge. The Commander exercising SPCM jurisdiction or higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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 had a medical examination at the USAF Clinic, Kadena on 28 Nov 90 at 0800 hours for the examination.

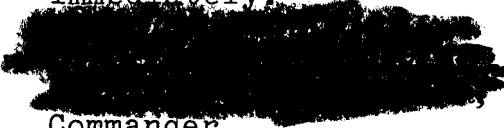
6. Military legal counsel Capt [REDACTED] at the Area Defense Counsel at Building 1460 has been obtained to assist you. An appointment has been scheduled for you to consult him/her on 16 Jan 91, at 0800 hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active

military service and is reasonably available as determined according to AFR 111-1. 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.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who will also 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.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.

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



Major, USAF

Commander

15 Atch  
1-1 through 1-15  
(Supporting Documents  
for Reasons for  
Discharge)