

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██	GRADE AB	AFSN/SSAN ████████████████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		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	A95.00	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
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
				TAPE RECORDING OF PERSONAL APPEARANCE	

HEARING DATE	CASE NUMBER	
15 Jul 2005	FD-2005-00015	

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.

<small>SIGNATURE OF PROSEER</small>	<small>SIGNATURE OF BOARD PRESIDENT</small>

INDORSEMENT	DATE: 7/15/2005
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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00015

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.

ISSUE: The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge. The records indicated the applicant received an Article 15 for dereliction of duty by distributing alcoholic beverages to other underage individuals, for drinking under age, found drunk on duty and for making a false official statement. In addition, he received four Letters of Reprimand, and one Record of Individual Counseling for various acts of misconduct. 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 AB) (HGH AMN)

MISSING SOME DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Scott AFB, IL on 23 Jun 04 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 May 84. Enlmt Age: 18 4/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-61, E-43, G-50, M-39. PAFSC: 1C331 - Command Post Apprentice. DAS: Unknown.

b. Prior Sv: (1) AFRes 10 Sep 02 - 13 Jan 03 (4 months 3 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB on 14 Jan 03 for 4 yrs. Svd: 1 Yrs 5 Mo 10 Das, all AMS.

b. Grade Status: AB - 5 May 04 (Article 15, 5 May 04)
 Amn - 14 May 04

c. Time Lost: None.

d. Art 15's: (1) 5 May 04, Scott AFB, IL - Article 92. You, who knew of your duties, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcoholic beverages while underage and distributing alcoholic beverages to other underage individuals, as it was your duty to do. You, who knew of your duties, on or about 4 Apr 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. Article 112. You, were, on or about 3 Apr 04, found drunk while on duty as a mission manager. Article 107. You, did, on or about 4 Apr 04, with intent to deceive, make to [REDACTED], an official statement, to wit: that you had not consumed alcohol, which statement was totally false in that you had consumed alcohol, and was then known by you to be so false. Reduction to AB, 14 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 17 MAY 04 - Failure to go.
 LOR, 30 OCT 03 - Leaving room unsecured and storing alcohol in residence while underage.
 LOR, 18 JUL 03 - Underage drinking and driving a car while

drunk causing a vehicle accident.
RIC, 09 JUL 03 - Failed room inspection.
LOR, 03 JUL 03 - Failure to obey the orders of a SNCO.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (14) Das
TAMS: (1) Yrs (5) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Jan 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

23FEB05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR MOBILITY COMMAND
TANKER AIRLIFT CONTROL CENTER (AMC)

FD 2005-00015

JUN 03 2004

MEMORANDUM FOR [REDACTED]

FROM: HQ AMC TACC/CCQ

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 an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reasons for this action are:

a. You did, at or near Scott Air Force Base, Illinois, on 17 May 04, fail to report to mandatory physical training (PT). For this offense, you received a Letter of Reprimand (LOR), dated 17 May 03 (Atch 1).

b. You committed the following offenses under the Uniform Code of Military Justice (UCMJ):

You, who knew of your duties at Scott Air Force Base, Illinois, on or about 14 Mar 04, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcoholic beverages while underage and distributing alcoholic beverages to other underage individuals, as it was your duty to do.

You, who knew of your duties at Scott Air Force Base, Illinois, on or about 4 Apr 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do.

You were, at Scott Air Force Base, Illinois, on or about 3 Apr 04, found drunk while on duty as a mission manager.

You, did, at Scott Air Force Base, Illinois, on or about 4 Apr 04, with intent to deceive, make to [REDACTED] an official statement, to wit: that you had not consumed alcohol, which statement was totally false in that you had consumed alcohol, and was then known by you to be so false.

For this misconduct, you received nonjudicial punishment, dated 5 May 04. The AF Form 3070 was added to your existing Unfavorable Information File (UIF) (Atch 2).

c. On 29 Sep 03, your room was found insecure and you were found storing alcohol in your residence while underage. For this misconduct, you received a Letter of Reprimand, dated 30 Oct 03, which was added to your existing UIF (Atch 3).

d. On 5 Jun 03, you were involved in a vehicle accident that totally destroyed your vehicle and led to your being admitted to the hospital. Further, you admitted to drinking alcohol prior to the accident while under the legal drinking age of 21 years. For this misconduct, you received a Letter of Reprimand, dated 18 Jul 03, and a UIF was established via AF Fm 1058 (Atch 4).

e. On 5 Jul 03, your dormitory room was inspected and found to be unacceptable by the First Sergeant due to one or more unsecured doors, an open refrigerator and ants in the room. For this misconduct, you received a Record of Individual Counseling (RIC), dated 9 Jul 03 (Atch 5).

d. On 26 Jun 03, you were dismissed from C2 training due to your poor attitude and your failure to obey the orders of a senior noncommissioned officer. For this misconduct, you received a Letter of Reprimand, dated 3 Jul 03 (Atch 6).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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 and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

3. 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 with Area Defense Counsel, Bldg. 7, on 3 Jun 04, at 0900 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 0900 / 9 Jun 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical review. You must report to 375th Medical Group, Force Health Management, telephone number 256-7143, Building 1530, W. Losey Street on 3 Jun 04, at 0900-1100 hours for the review.

7. 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 squadron orderly room or at your local Area Defense Counsel's office.

FD2005-00015

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

 USAF
Squadron Section Commander

Attachments:

1. LOR, dtd 17 May 04
2. AF Fm 3070, dtd 5 May 04
3. LOR, dtd 30 Oct 03 w/atch'd AF Fm 1058
4. LOR, dtd 18 Jul 03, w/atch'd AF Fm 1058
5. RIC, dtd 9 Jul 03
6. LOR, dtd 3 Jul 03
7. Receipt of Notification Memorandum
8. Airman's Statement
9. Recoupment Statement