

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AMN	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NAME OF COUNSEL AND OR ORGANIZATION		
No			
	X		

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

ISSUES A93.02	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 15 Jul 2005	CASE NUMBER FD-2005-00016	
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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.

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

SIGNATURE OF DECORNER

INDORSEMENT		DATE: 7/14/2005
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

CASE NUMBER

FD-2005-00016

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.

ISSUE: Applicant does not contest his discharge, he states that his ability to serve was impaired by his youth and immaturity and that his Article 15 was an isolated offense. The records indicated the applicant received an Article 15 for supplying alcohol to underage military members on two separate occasions. He also received a Letter of Reprimand for reporting to duty while intoxicated. The DRB recognized the applicant was a month shy of 22 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 older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. However, the Board was impressed with the honesty displayed in the applicants' letter to the Board and the fact that he is currently a Sergeant (E-5) in the US Marine Corps where he excelled as an NCO and is continuing his education. Although the Board did not condone the applicant's misconduct, they opined that the discharge should be upgraded to Honorable. Applicant had Letters of Appreciation as well as several character references to include but not limited to a Colonel, Lieutenant Colonel, and First Lieutenant citing his exemplary performance as an NCO and his leadership abilities. He served with distinction and honor while facing extreme hardship during combat operations and received a Meritorious Mast for his actions during Operation Iraqi Freedom. Applicant's outstanding achievements while serving in the US Marine Corps (post-Air Force) are indicative that his overall service is more accurately reflected by an Honorable discharge.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

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

[REDACTED]
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Davis-Monthan AFB, MT on 21 Jul 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Aug 77. Enlmt Age: 21 6/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-70, E-50, G-46, M-57. PAFSC: 3P031 - Security Forces Apprentice. DAS: 22 Oct 99.

b. Prior Sv: (1) AFRes 10 Mar 99 - 1 Jun 99 (2 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 2 Jun 99 for 4 yrs. Svd: 1 Yrs 1 Mo 20 Das, all AMS.

b. Grade Status: Amn - 6 Jul 00 (Article 15, 5 Jul 00)

c. Time Lost: None.

d. Art 15's: (1) 6 Jul 00, Davis-Monthan AFB, AZ - Article 92. You, who knew of your duties, at or near Tucson, Arizona, on or about 2 Jun 00, were derelict in the performance of those duties in that you willfully failed to refrain from supplying alcohol to underage military memers, as it was your duty to do. You, who knew of your duties at or near Tucson, Arizona, on or about 10 Jun 00, were derelict in the performance of those duties in that you willfully failed to refrain from supplying alcohol to underage military members, as it was your duty to do. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOR, 3 APR 00 - Reporting to duty while intoxicated.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (12) Das
TAMS: (1) Yrs (1) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jan 05.

(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. SF Form 88, Report of Medical Examination.
4. SF Form 93, Report of Medical History.
5. Certificate of Achievement.
6. United States Marine Corp Report of Service.
7. Three Character References.
8. Letter of Appreciation.

24FEB05/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:
PERSONAL STATEMENT

b. DOCUMENT 2:
DD-214, MEDICAL HISTORY

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

- 1) MY ABILITY TO SERVE WAS IMPAIRED BY MY YOUTH AND IMMATURETY AND SO WARRANTS AN UP GRADE TO HONORABLE.
- 2) MY RECORD OF AN ARTICLE IS INDICATES AN ISOLATED OFFENSE AND SO WARRANTS AN UPGRADE TO HONORABLE. (CONTRIBUTING ALCOHOL TO UNDERAGE MILITARY MEMBERS)
- 3) OFFICIAL REASON FOR DISCHARGE: (CONTRIBUTING ALCOHOL TO UNDERAGE MILITARY MEMBERS) MISCONDUCT.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)

20050107

b. SIGNATURE

[Redacted Signature]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001

16 NOV 04

U.S. Air Force
SAF/MIBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

To whom it may concern:

I am writing this personal statement in reference to a review of discharge (General under honorable conditions) from the U.S. Air force. My dates of enlistment were from 02 June 99 to 21 July 00. During the enlistment as a Security Forces member E-2/ Amn, I was stationed with the 355th SFS at Davis Monthan Air Force Base in Tucson, AZ.

Prior to enlistment in the USAF, I was a border line student in college who barely graduated with an Associate's Degree and decided to take a short cut in life by joining the armed services. I had little interest in academics throughout high school and in college. My academic performance dwindled due to immaturity. I had considered the option at this point to enlist in the armed forces. I was under the wrong impression of what the military was about from what my peers had told me. They were prior service Airmen who had mislead me into believing the military was one huge party. Though I was unsure if it was a good idea at the time to enlist, realistically, there was no way I would succeed any further in the civilian sector if I had continued on to transfer to a four-year institution. I gave it a try.

When I did enlist in the U.S. Air Force, I really was not motivated and did not set any goals for career advancement. I was still in a lackadaisical trance and refused to set forth nothing more than the bare minimum. Basically, from basic training to the operating forces, I did my eight hours of work and went home. I had never held any type of leadership billet at this point of my life. Although I did get along with my supervisors, I was still just an average Airman.

On two dates, 02 JUN 00 and 10 JUN 00, I was charged with Article 92 for a dereliction of duties for willfully failing to refrain from supplying alcohol to underage military members. My proficiency at work could not vouch for my character for the serious offense that I had committed. I was not the only individual involved. A large number of Airmen congregated on both of the occasions. I was not the only one who was processed for non-judicial proceeding for the same offense. Although I was given the option to speak to my Squadron Battalion Commander to stay in the USAF, I had declined and received an administrative discharge. I had also declined counsel for the proceedings and instead voluntarily sought the mental health specialists to try to clear my record of any suspected alcohol disorders. After an evaluation with the mental health counselor, it was verified on record that I did not have any psychological dependency on alcohol. I was unmotivated with my career and wanted an easy way out.

I was not informed about the bad effects of a less-than-honorable discharge. It is a lot more than just a stigma on a resume. I never knew how embarrassing it can be until then. It is about pride and serving your country. This incident has made me a true patriot. After separation, I had lacked pride and was ashamed of my actions. I thought at that time, maybe I should have taken that opportunity to speak with my former Squadron Battalion to stay in, but it was too late. I could not hold my head up high and face the United States garrison flag. That feeling tore my insides for at least eight months until I was accepted back into the armed forces.

On 08 APR 04, I was accepted into the world's elite fighting unit, the United States Marine Corps. This was the opportunity to prove to myself that I can accomplish tasks, work as a team player, and become a successful leader. I was no longer part of a general population but a productive contributor to the needs of the Marine Corps. My USMC service record book displays an impeccable individual with initiative unlike one that was timid in the USAF. I had accomplished many demanding duties and billets. For instance, I was a squad leader at the School of Infantry, an assistant non-lethal weapon's instructor, and a team leader with the 1st Marine Division (Military Police Company) in Operation Iraqi Freedom who executed vital combat missions, just to name a few. I had also attained the rank of E-5/ Sgt., Within three short years and returned to college part-time while on active duty to pursue a bachelor's degree in history. I am a leader among troops; that is something I should've at least attempted when I was in the USAF.

Approximately six years have gone by and my goals are now into prospective. I had made a mistake and learned a lesson in which made me a confident and stronger leader. I believe my service now to my country should uplift the U.S. Air Force General(under honorable conditions) discharge and be upgraded to an Honorable. I had contributed to both community and nation, from the rear and to the firing line.



SERGEANT, U.S. Marine Corps



DEPARTMENT OF THE AIR FORCE
355TH SECURITY FORCES SQUADRON (ACC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

FD 2005-00016

17 Jul 00

MEMORANDUM FOR [REDACTED]

FROM: 355 SFS/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 this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service may be characterized as honorable or under honorable conditions (general). I am recommending your service be characterized as general.
2. My reasons for this action are:
 - a. On or about 10 Jun 00 and on or about 2 Jun 00, you were derelict in the performance of your duties by supplying alcohol to underage military members. As a result, you received punishment under Article 15 of the UCMJ (Tab A).
 - b. On or about 30 Mar 00, you reported for duty under the influence of alcohol and failed to notify your flight leadership of your condition. Instead you, drew your weapon and intended to assume post in this condition. As a result, you received a Letter of Reprimand and an Unfavorable Information File was established (Tab B).
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 and will probably be denied enlistment in any component of the armed forces and any special pay, bonus, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. The Area Defense Counsel (ADC) at 228-5664, has been obtained to assist you. An appointment has been scheduled for you to consult with the ADC on N/A, at N/A hours. In addition to military counsel, you have the right to employ 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 20 Jul 00 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

Global Power for America

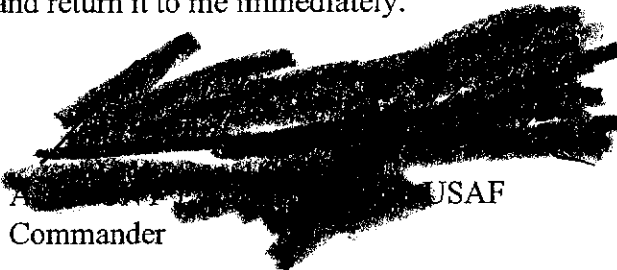
6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the Physical Exams Office of the Aeromedical Facility, Bldg 400, Rm 13, at 0850, on 20 Jul 00, for the examination.

8. You have been scheduled for an initial outprocessing briefing. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 14, at 0930 on 18 July 00 for the briefing. If you have questions, please call them at 228-5366.

9. 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 Area Defense Counsel's office, Bldg 3510.

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


Commander USAF

Attachments:

1. Supporting Documents
 - a. Art 15, 6 Jul 00 (3 pages)
 - b. LOR, 3 Apr 00; AF Form 1137
2. Airman's Receipt of Notification Memorandum