

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	UOTHC	OTHER	DENY													
							X													
							X													
							X													
							X													
ISSUES	A93.09	INDEX NUMBER	A67.90	EXHIBITS SUBMITTED TO THE BOARD																
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align:center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align:center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align:center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align:center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>					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
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HEARING DATE	28 Jul 2005	CASE NUMBER	FD-2005-00074																	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

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INDORSEMENT

DATE: 8/1/2005

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-2005-00074

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 states that he would like an upgrade in order to use his VA benefits and GI Bill. The records indicated the applicant received an Article 15 for DWI. He also received two Letters of Reprimand for financial irresponsibility and a second offense of driving under the influence of alcohol. 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. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 SRA) (HGH SSGT)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Cannon AFB, NM on 10 Oct 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 4 Aug 79. Enlmt Age: 18 3/12. Disch Age: 24 2/12. Educ: HS DIPL. AFQT: N/A. A-74, E-71, G-68, M-51. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 12 May 03.

b. Prior Sv: (1) AFRes 24 Nov 97 - 24 Mar 98 (4 months 1 day) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 25 Mar 98 for 6 yrs. Extended 16 Apr 03 for 1 month. Svd: 5 Yrs 6 Mo 16 Das, all AMS.

b. Grade Status: SrA - 23 Jul 03 (Article 15, 23 Jul 03)
SSgt - 01 Jun 02
SrA - 09 Sep 00
A1C - 09 May 98

c. Time Lost: None.

d. Art 15's: (1) 23 Jul 03, Cannon AFB, NM - Article 111. You, did, at or near Clovis, New Mexico, on or about 29 Jun 03, on 21st street east of Eastridge Drive, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was .08 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Reduction to SrA, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 18 SEP 03 - Second offense of driving under the influence of alcohol.
LOR, 20 AUG 03 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 25 Mar 98 - 15 Oct 99 Moody AFB 5 (HAF Dir)
16 Oct 99 - 26 Apr 00 Moody AFB 5 (CRO)
27 Apr 00 - 26 Apr 01 Davis-Monthan AFB 5 (Annual)
27 Apr 01 - 28 Feb 02 Davis-Monthan AFB 5 (CRO)
01 Mar 02 - 28 Feb 03 Kunsan AB 3 (Annual)

h. Awards & Decs: AFAM W/1 OLC, SAEMR, AFTR, AFEM, NCOPMER, AFLSAR, NDSM, AFOUA W/2 OLCS, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (10) Mos (17) Das
TAMS: (5) Yrs (6) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jan 05.
(Change Discharge to Honorable)

Issue 1: I request an upgrade in order to be able to use VA benefits. I plan on attending college among other things. So I request an upgrade in order to use the GI Bill as well as the VA Home Loan Guarantee. I would also like to be able to use other VA benefits.

ATCH

None.

24MAR05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 27th FIGHTER WING (ACC)
CANNON AIR FORCE BASE NEW MEXICO

FD 2005-00074

25 SEP 2003

MEMORANDUM FOR SRA [REDACTED] 27 AMXS

FROM: 27 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. On or about 14 Sep 03, an investigation disclosed you drove a vehicle while under the influence of alcohol. This is your second offense of driving while under the influence of alcohol within a three month period, as evidenced by a Letter of Reprimand, dated 18 Sep 03. (Atch a)
 - b. On or about 18 Aug 03, it was discovered that you were 60 days delinquent in the amount of \$1,900.32 on your government travel card, as evidenced by a Letter of Reprimand, dated 20 Aug 03. (Atch b)
 - c. On or about 29 Jun 03, you physically controlled a vehicle while under the influence of alcohol, as evidenced by an Article 15 action, dated 23 Jul 03. (Atch c)
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 any special pay, bonuses, or education assistance funds may be subject to recoupment.
4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment will be made for you to consult with a military legal counsel from the Cannon AFB Area Defense Counsel's Office at building 600, ext. 2915. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within **3 duty days** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 27th Medical Group on 26 SEP 2003 at 1315 hours.

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 your unit orderly room, or you may download a copy from <http://afpubs.hq.af.mil/>.

[REDACTED]
[REDACTED] Lt Col, USAF
Commander, 27 AMXS

Attachments:

- a. Letter of Reprimand, dated 18 Sep 03
- b. Letter of Reprimand, dated 20 Aug 03
- c. Article 15 action, dated 23 Jul 03