

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
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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 A93.01	INDEX NUMBER A69.00	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 04 Oct 2005	CASE NUMBER FD-2005-00115	
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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, 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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT **DATE: 10/4/2005**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00115

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and change the reenlistment code.

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, change of reason and authority for discharge, and change of reenlistment code are 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 didn't realize what he was doing so he got into trouble with alcohol. He would like a second chance and would like to join the ANG. The records indicated the applicant received an Article 15 for assaulting another airman by pointing a weapon at him and for transporting a privately owned firearm onto an Air Force Installation. He also received two Letters of Reprimand for misconduct relating to alcohol. Applicant was eventually discharged for failure in the alcohol rehabilitation program. 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 AMN) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Vandenberg AFB, CA on 22 Jan 02 UP AFI 36-3208, para 5.32 (Alcohol Rehabilitation Failure). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. BACKGROUND:

a. DOB: 7 Aug 79. Enlmt Age: 18 4/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-29, E-35, G-34, M-49. PAFSC: 3E251 - Pavenments & Construction Equipment Journeyman. DAS: 15 Jun 99.

b. Prior Sv: (1) AFRes 5 Jan 98 - 11 Aug 98 (7 months 7 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 12 Aug 98 for 4 yrs. Svd: 3 Yrs 5 Mo 11 Das, all AMS.

b. Grade Status: AB - 17 Aug 01 (Article 15, 17 Aug 01)
A1C - 12 Dec 99
Amn - 12 Feb 99

c. Time Lost: None.

d. Art 15's: (1) 17 Aug 01, Vandenberg AFB, CA - Article 128. You did, on or about 21 Jul 01, commit an assault upon [REDACTED] by pointing at him with a dangerous weapon, to wit: a pistol. Article 92. You, who knew or should have known of your duties, on or about 21 Jul 01, were derelict in the performance of those duties in that you willfully failed to refrain from transporting a privately owned firearm onto an Air Force Installation, as it was your duty to do. Reduction to Airman, 15 days restriction, and 15 days extra duty. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 26 SEP 00 - Damage to military property while under the influence of alcohol.
LOR/UIF, 2 JUL 99 - Dereliction of duty for underage drinking.

f. CM: None.

g. Record of SV: 12 Aug 98 - 11 Apr 00 Vandenberg AFB 4 (Initial)
12 Apr 00 - 11 Apr 01 Vandenberg AFB 5 (Annual)

12 Apr 01 - 05 Nov 01 Vandenberg AFB 3 (Cmdr Dir)REF

h. Awards & Decs: AFAM, AFTR, AFOUA W/1 DEV.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (18) Das
TAMS: (3) Yrs (5) Mos (11) Das

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

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

Issue 1: To change my discharge so I may reinlist (sic) into the Air National Guard.

Issue 2: As a young Airman, I didn't relize (sic) what I was doing with myself. So I got into trouble with alcohol. Fighting and not really sure what I was doing. If at all possibly (sic) I wish to request an upgrade of my discharge. I am writing this to you in person to show that I really would like a second chance. I have grown up a lot since I have been discharged from the Air Force. I have recently been married, purchased a house, and held a steady job. Please review my request and give me a chance to prove to you the board, all my family, and anyone that I have disappointed in my past.

ATCH

1. DD Form 214.

3MAY05/ia



DEPARTMENT OF THE AIR FORCE
30TH SPACE WING (AFSPC)

FD 2005-00115

13 DEC 01

MEMORANDUM FOR [REDACTED]

FROM: 30 CES/CC

SUBJECT: Notification of Administrative Discharge Action Under AFI 36-3208

1. I am recommending your discharge from the United States Air Force for failure in the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.32. If my recommendation is approved, your service may be characterized as General, Under Honorable Conditions (General). I am recommending your discharge be characterized as General, Under Honorable Conditions.
2. My reasons for this action are:
 - a. On or about 9 Jul 99, you consumed alcohol while under the legal drinking of 21. As a result, you received a Letter of Reprimand (LOR) dated 26 Jul 99. An Unfavorable Information File (UIF) was established on 28 Jul 99.
 - b. On or about 26 Sep 00, you damaged military property (1 lawn chair) while under the influence of alcohol. As a result, you received an LOR dated 26 Sep 00.
 - c. On or about 17 Aug 01, you received non-judicial punishment under Article 15, UCMJ for assaulting another Air Force member with a deadly weapon while under the influence of alcohol and wrongfully transporting a privately owned firearm onto Vandenberg AFB, CA. Your punishment consisted of a reduction to the grade of Airman, with a new date of rank of 17 Aug 01, restriction to Vandenberg AFB, CA for 15 days and 15 days extra duty. This Article 15 was placed in your Unfavorable Information File (UIF).
 - d. In December 2000, you were entered into the ADAPT Program after repeated disciplinary infractions involving the use of alcohol. As part of this program, a set of goals is established by a treatment team (TT) according to AFI 44-121. When the TT determines that the objectives have been met, a patient is considered as having successfully completed the ADAPT Program. Failure in the ADAPT Program occurs when the TT determines that the member has continued to fail to meet Air Force standards regarding both behavior and the use of alcohol.
 - e. On or about 25 Jul 01, your treatment team determined that, based on an alcohol-related incident you were involved in on the previous weekend, along with two other alcohol-related incidents, you should be considered a failure in the ADAPT Program.

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 discharge action is approved, how your discharge will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force. Furthermore, any special pay, bonuses, or education assistance you have received may be subject 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 [REDACTED] at the Area Defense Counsel, Building 8500, ext. 6-3627/28, at 0900 hours on 14 Dec 01. 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 17 DEC 01 (3 duty days) 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 matters 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 30 MDG at hours on 9 Nov 01.
8. Any personal information you furnish in rebuttal to this action is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at the office of the Area Defense Counsel, Building 8500.
9. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

Commander

Attachments:

1. AF Form 1137, 9 Jul 99
2. LOR, 26 Jul 99
3. LOR, 26 Sep 00
4. SF Form 600, 25 Jul 01
5. AF Form 3070, 17 Aug 01
6. AF Form 1137, 21 Sep 01
7. 30 MDG/SGOH Memo, 6 Nov 01