



**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00149**

**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 contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s for misconduct. The misconduct included wrongfully possessing and consuming alcoholic beverages while under age 21, willfully destroying a dormitory wall and carpet and pulling a dormitory water fountain loose from its mounting. The records indicate that after the first incident the member was entered into the Substance Abuse Program, Track 3. He was also enrolled in a stress management program. There was no indication in the records that anyone in the chain of command was aware of the applicant's alcohol abuse at anytime prior to the first incident. The applicant had signed AF Form 2746, Substance Abuse Reorientation/Treatment Program, Memo of Understanding stating that failure of Track 3 could result in an administrative discharge. 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 A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Elmendorf AFB, AK on 26 May 94 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 Aug 73. Enlmt Age: 17 11/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-67, E-82, G-64, M-83. PAFSC: 2W151 - Aircraft Armament Systems Journeyman. DAS: 10 Jun 92.

b. Prior Sv: (1) AFRes 1 Aug 91 - 13 Jan 92 (5 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 14 Jan 92 for 4 yrs. Svd: 2 Yrs 4 Mo 13 Das, all AMS.

b. Grade Status: AB - 06 Apr 94 (Article 15, 6 Apr 94)  
Amn - 01 Mar 94 (Article 15, 1 Mar 94)  
A1C - 14 May 93  
Amn - 14 Jul 92

c. Time Lost: None.

d. Art 15's: (1) 06 Apr 94, Elmendorf AFB, AK - Article 134. You did, on or about 02 Apr 94, wrongfully possess alcoholic beverages while under the age of 21 in violation of Alaska Statute Section 04.16.050, as made applicable by the Federal Assimilative Crimes Act 18 U.S.C. 13. Reduction to AB. (No appeal) (No mitigation)

(2) 01 Mar 94, Elmendorf AFB, AK - Article 134. You did, on or about 18 Dec 93, wrongfully consume alcoholic beverages while under the age of 21 in violation of Alaska Statute Section 04.16.050, as made applicable by the Federal Assimilative Crimes Act 18 U.S.C. 13. Article 108. You did, on or about 18 Dec 93, without proper authority, willfully destroy by deliberately pounding with a bottle, a dormitory wall, and by deliberately braking a bottle filled with liquid, a dormitory carpet, and by deliberately pulling a water fountain loose from its mounting, the amount of said damage being in excess of \$100.00. Article 134. You were, on or about 18 Dec 93, drunk and disorderly. Reduction to Airman, and 30 days restriction.

(Appeal/Denied) (No mitigation)

- e. Additional: None.
  - f. CM: None.
  - g. Record of SV: 14 Jan 92 - 13 Sep 93 Elmendorf AFB 4 (Initial)
  - h. Awards & Decs: AFTR, NDSM, AFOSLTR.
  - i. Stmt of Sv: TMS: (2) Yrs (9) Mos (23) Das  
TAMS: (2) Yrs (4) Mos (13) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Apr 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

- 1. Applicant's Issues.
- 2. DD Form 149.
- 3. Character Reference.
- 4. College Transcript.
- 5. Letter of Congratulations.
- 6. Certificate of Recognition.
- 7. Two Computer Test Results.
- 8. Temporary Airman Certificate.
- 9. Two Certificates of Completion.
- 10. Enlisted Performance Report.

19MAY05/ia

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES

Form Approved OMB No. 0704-0004 Expires Aug 31, 2006

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PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY X AIR FORCE COAST GUARD

b. NAME (Last, First, Middle Initial) c. GRADE/RANK AT DISCHARGE E1 d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 1994/05/26

4. DISCHARGE CHARACTERIZATION RECEIVED (X one) HONORABLE X GENERAL/UNDER HONORABLE CONDITIONS UNDER OTHER THAN HONORABLE CONDITIONS BAD CONDUCT (Special court-martial only) UNCHARACTERIZED OTHER (Explain) 5. BOARD ACTION REQUESTED (X one) X CHANGE TO HONORABLE CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) CHANGE NARRATIVE REASON FOR SEPARATION TO:

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

The Air Force defines alcoholism as a preventable, progressive, treatable, and noncompensable disease that affects the entire family. - I believe that my discharge was unjust due to: 1. The Air Force recruiting paperwork done prior to my enlistment into the Armed Forces, in which it was noted that I drank underage. At no point in my Air Force UCMJ Article 15 proceedings or Discharge proceedings was this taken into account. Nor at

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

- 1. Indian Hills Community College - T
2. Indian Hills Community College - Aviation Maintenance Technologies Unofficial Transcripts (copy)
3. Indian Hills Community College - Spring Schedule 2005 (copy) Graduation May 19th 2005
4. Indian Hills Community College Deans List recognition letter

9. TYPE OF REVIEW REQUESTED (X one)

X CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA. I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.) b. TELEPHONE NUMBER (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below. SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.) b. TELEPHONE NUMBER (Include Area Code) c. E-MAIL d. FAX NUMBER (Include Area Code) NA

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.) CASE NUMBER (Do not write in this space.)

a. SIGNATURE REQUIRED (Applicant or person in Item 11 above) b. DATE SIGNED - REQUIRED (YYYYMMDD) 2005/04/05

**14. CONTINUATION OF ITEM 6, ISSUES (If applicable)**

any time during my enlistment was this taken into account for counseling or medical referral.

2. I was not advised to seek substance abuse counseling until after the first Article 15 incident, and it was known by nearly the entire squadron that I drank underage, due to squadron parties.

3. Until the first incident, I had a nearly perfect military record.

I will graduate from Indian Hills Community College on May 19th 2005 and be once again rejoining the workforce. The degree which I will receive makes it possible for me to attain FAA certified Airframe and Powerplant licensing. I have interviewed with L3 Communications out of Texas and have been informed that I will be unable to work for any company which receives government contracts or requires a security clearance without a DD Form 214 upgrade to an Honorable discharge. In light of this information and my soon approaching graduation date, please communicate your decision as timely as you find possible.

**15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)**

- 5. FAA Aviation Maintenance General written test score (copy)
- 6. FAA Aviation Maintenance Airframe written test score (copy)
- 7. FAA Temporary Airframe Certificate (copy)
- 8. ASE Refrigerant Recovery and Recycling Certificate (copy)
- 9. Enlisted Performance Report of SEP 93 (copy)

In my dialogue with Air Force Separations on 2005/04/05, I was informed that the Board deciding this possible correction would pull all pertinent Military files.

**16. REMARKS (If applicable)**

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

**ARMY**

Army Review Boards Agency  
 Support Division, St. Louis  
 9700 Page Avenue  
 St. Louis, MO 63132-5200  
 (See <http://arba.army.pentagon.mil>)

**NAVY AND MARINE CORPS**

Naval Council of Personnel Boards  
 720 Kennon Street, S.E.  
 Room 309 (NDRB)  
 Washington Navy Yard, DC 20374-5023

**AIR FORCE**

Air Force Review Boards Agency  
 SAF/MRBR  
 550-C Street West, Suite 40  
 Randolph AFB, TX 78150-4742

**COAST GUARD**

U.S. Coast Guard  
 Commandant (G-WPM)  
 2100 Second Street, S.W. Room 5500  
 Washington, DC 20593

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

MEMORANDUM FOR 19 FS/MAGW (████████████████████)

MAY 13 1994

FROM: 19 FS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFR 39-10, Section H, paragraph 5-47b. If my recommendation is approved, your service will be characterized as general.

2. My reasons for this action are:

a. On or about 18 Dec 93, you wrongfully consumed alcoholic beverages while under the age of 21, willfully destroyed government property with damages in excess of \$100, and were drunk and disorderly as evidenced by an Article 15, dtd 1 Mar 94 (Atch 1).

b. On or about 2 April 94, you wrongfully possessed alcoholic beverages while under the age of 21 as evidenced by an Article 15, dtd 6 Apr 94 (Atch 2).

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.

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 ██████████ at Elmendorf AFB, AK, Bldg 6-920, Rm 330 on 16 May 94 at 1000. 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 15 May 94 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 examination. You must report to the 3rd Aerospace Medicine Squadron, Building 24-850 at 0715 on 16 May 94. Fast (drink water only) for 14 hours prior, no alcohol 72 hours prior, no tobacco products 6 hours prior to examination, and you must be in uniform for the examination. Also, bring your eyeglasses, and contacts/contact solution if used.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 2. A copy of AFR 39-10 is available for your use at your Squadron Orderly Room.

[REDACTED]

Commander

Attachments:

1. Article 15, 1 Mar 94, w/25 Atch
2. Article 15, 6 Apr 94, w/9 Atch
3. Other Supporting Documents (15)