



AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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	UO/HC	OTHER	DENY
						X
						X
						X
						X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD		
A93.19 A92.21 A93.01		A67.50 A69.00		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		CASE NUMBER				
11 Oct 2005		FD-2005-00164				
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.						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
						
INDORSEMENT				DATE: 10/11/2005		
TO:			FROM:			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002			

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 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.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh and he was immature. The records indicated the applicant received a general discharge for a pattern of misconduct and failure in the alcohol abuse treatment. For his misconduct he received the following: an Article 15 for being disrespectful in language to a noncommissioned officer, underage drinking, and driving while under the influence of alcohol; seven Letters of Reprimand for failure to go and obey a lawful order, drinking and possession of alcoholic beverages underage, disrespect to a superior commissioned officer and superior noncommissioned officer, lying, uniform not within standards, late returning from breakfast and lunch, improper conduct in the duty area, and a civil arrest for assault; and a Letter of Counseling for dereliction of duty. 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.

Issue 2. Applicant states that the charges of his civil arrest were dropped and if the incident had been looked into he would still be in the military. This issue is without merit as the applicant did not provide any documentation to support this issue. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3 applies to the applicant's post-service activities and desires for a government job or a job in law enforcement. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

If the applicant can provide additional documented information to substantiate an issue, he 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

[REDACTED]

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Luke AFB, AZ on 9 May 03 UP AFI 36-3208, para 5.50 and 5.32.1 (Pattern of Misconduct and Failure in Alcohol Abuse Treatment). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Feb 82. Enlmt Age: 18 4/12. Disch Age: 21 2/12. Educ: HS DIPL. AFQT: N/A. A-46, E-37, G-34, M-32. PAFSC: 3M051 - Services Journeyman. DAS: 9 Dec 00.

b. Prior Sv: (1) AFRes 29 Jun 00 - 7 Aug 00 (1 month 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Aug 00 for 4 yrs. Svd: 2 Yrs 9 Mo 2 Das, all AMS.

b. Grade Status: A1C - 2 Feb 03
Amn - 2 Apr 02 (Article 15, 2 Apr 02)
A1C - 8 Dec 01
Amn - 8 Feb 01

c. Time Lost: None.

d. Art 15's: (1) 2 Apr 02, Luke AFB, AZ - Article 91. You, were, on or about 11 Mar 02, disrespectful in language towards SSgt [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by saying to him, "fuck you," or words to that effect. Article 92. You, who knew of your duties, on or about 11 Mar 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of twenty-one, as it was your duty to do. Article 111. You, did, on or about 11 Mar 02, near the main gate, physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was .10 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 17 APR 03 - Civil arrest for assault.
LOR, 12 SEP 02 - Failure to maintain dorm room within standards.

LOR/UIF, 29 JUL 02 - Failure to obey a lawful order.
 LOC, 09 JAN 02 - Dereliction of duty.
 LOR, 27 AUG 01 - Possession of alcoholic beverages
 underage.
 LOR, 11 AUG 01 - Failure to have facial hair within
 standards.
 LOR, 11 AUG 01 - Underage drinking.
 LOR, 02 FEB 01 - Disrespect to a superior commissioned
 officer, and a superior noncommissioned
 officer. Uniform not within standards, and
 lying. Late returning from breakfast and
 lunch, improper conduct in the duty area.
 Additionally counseled on proper dress and
 appearance standards.

f. CM: None.

g. Record of SV: 8 Aug 00 - 7 Apr 02 Luke AFB 3 (Initial)REF
 8 Apr 02 - 2 Feb 03 Luke AFB 4 (Cmdr Dir)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (11) Das
 TAMS: (2) Yrs (9) Mos (2) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

25MAY05/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:

[Redacted] Educational achievement Personal Trainer

b. DOCUMENT 2:

[Redacted] Discharge Improper because of civilian conviction charges dropped

c. DOCUMENT 3:

[Redacted] Amn Stone has proven to be the ultimate team player and a super team player. James McKnight, MSgt. US

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.

Issue one educational achievement. I went to school for a personal trainer. I was in services apprenticeship career field and decided to do the same in the civilian world. I am currently still a personal trainer in AZ. I also went to school to be a real estate agent. I chose not to pursue that career.

Issue two - The final action that I was in trouble for was civilian related. I have been in trouble with the military before, but I believe if this incident was looked into I would still be in the military. The charges were dropped so I didn't understand why the military let me go if the charges were dropped. I have not been in trouble since I was discharged and currently applying for a gov. job that's why I want a honorable discharge.

Issue three - [Redacted] (currently retired) found potential in me. He wasn't the only one [Redacted] MSgt USAF, [Redacted] all and respectable things to say about me. I made some mistakes in the military that I have learned from. Coming from high school to the military matured me, but I wasn't perfect. I was a hard worker with a lot of potential that regrets the mistakes I made, but has moved on. I would really like a honorable discharge so I can at least had left on the highest discharge possible with memories to look back on.

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)

2005 April 04

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

[REDACTED]

I believe that if my discharge is reconsidered it will open the door for me to pursue a career in law enforcement. This is something I am extremely passionate about and ready for. Leaving the Air Force was one of my lowest down points, but I was immature and was disrespectful to the great opportunity I was given. I regret that my immaturity and wrongful actions led to ruining a career and lifestyle that had a bright future. However, I believe that because of this I have grown from my mistakes and has made me a better, more mature person. In conclusion, I believe a honorable discharge would make things right and give me a chance to start over positively.

Thank You

[REDACTED]



DEPARTMENT OF THE AIR FORCE
56th Services Squadron (AETC)
Luke Air Force Base, Arizona

FD 2005-00164

DATE: 29 Apr 03

MEMORANDUM FOR A1C [REDACTED]

FROM: 56 SVS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Pattern of Misconduct and Failure in Alcohol Abuse Treatment. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.50 and 5.32.1. I am recommending that Pattern of Misconduct be the primary basis for your discharge. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending your service be characterized as general.

2. My primary reasons for this action are:

a. On 29 Jan 01, you failed to show proper military respect to an officer and made a false statement to a senior noncommissioned officer. On 2 Feb 01, you failed to go to your appointed place of duty at the prescribed time and failed to maintain proper military dress and appearance. For this misconduct you received a Letter of Reprimand, dated 2 Feb 01.

b. On 10 Aug 01, you failed to refrain from consuming alcohol while under the legal age of 21. For this misconduct you received a Letter of Reprimand, dated 11 Aug 01.

c. On 11 Aug 01, you failed maintain proper military dress and appearance. For this misconduct you received a Letter of Reprimand, dated 11 Aug 01.

d. On 21 Aug 01, you were in possession of an open alcoholic beverage while under the legal age of 21. For this misconduct you received a Letter of Reprimand, dated 27 Aug 01.

e. On 9 Jan 02, you were sleeping while on duty. For this misconduct you received a Letter of Counseling, dated 9 Jan 02.

f. On 11 Mar 02, you failed to refrain from consuming alcohol while under the legal age of 21, took control of a vehicle while intoxicated, and were disrespectful to a noncommissioned officer. For this misconduct you received an Article 15, dated 2 Apr 02. Your punishment included reduction to E-2 and 30 days extra duty. An Unfavorable Information File (UIF) was established.

g. On 25 Jul 02, you failed to obey the 56th Fighter Wing Dormitory Standards. For this misconduct you received a Letter of Reprimand, dated 29 Jul 02. This action was filed in your existing UIF.

h. On 10 Sep 02, you failed to maintain your dormitory room within standards. For this misconduct you received a Letter of Reprimand, dated 12 Sep 02.

i. On 12 Apr 03, you were apprehended by the Scottsdale Police Department for aggravated assault, specifically, you bit the lip of a female companion. For this misconduct you received a Letter of Reprimand, dated 17 Apr 03. This action was filed in your existing UIF.

3. My secondary reasons for this action are:

a. On 30 Aug 01, you were referred to the Luke AFB Alcohol Drug Abuse Prevention and Treatment (ADAPT) program for an underage drinking incident and coming in the duty area, while off duty, smelling of alcohol on 3 separate occasions. After evaluation you were diagnosed with Alcohol Abuse and enrolled in the Level 0.5 Educational Class. You completed this class on 11 Oct 01.

b. On 6 May 02, you were again referred to ADAPT after receiving an on-base DUI. Again you were diagnosed with Alcohol Abuse and enrolled in the Level II Intensive Outpatient Program (IOP).


c. On 12 Aug 02, per request of the 56 SVS First Sergeant, your medical profile was changed so that you may deploy to a location where you would have no access to alcohol. Although you had not completed your treatment, it was agreed that you could deploy with the understanding that upon your return, you were to complete your ADAPT treatment. You did not follow up with ADAPT upon return to Luke AFB.

d. On 15 Apr 03, you were again referred to the ADAPT office following your arrest by the Scottsdale Police Department for Aggravated Assault. It was reported that you got into a verbal altercation with a female and reportedly bit her lip. It was further reported that you had been drinking at the time of the incident. During the evaluation, you were asked why you never followed up with ADAPT upon return from deployment and you related to the ADAPT NCOIC that you thought you were done with ADAPT. The prior ADAPT NCOIC was contacted for clarification and stated that you were not only aware that you had to follow up with ADAPT, but were deployed with the ADAPT NCOIC at the same time who reminded you of your follow up during your deployment.

e. On 22 Apr 03, an ADAPT evaluation team determined you failed to complete the ADAPT program due to lack of follow up, continued alcohol abuse, as well as your lack of integrity. The treatment team feels as though you have been offered the appropriate resources to assist you and you have chosen not to follow the mandatory guidelines. The treatment team has recommended prompt administrative separation. This incident was documented by a letter from Capt Scott S. Fisher, Mental Health Services Flight Commander, dated 17 Apr 03.

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation will be provided to you. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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.

5. 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 the Area Defense Counsel, Building 1150, Suite 3015, Luke Air Force Base, Arizona, on 30 Apr 03 at 1400 hours. You may consult civilian counsel at your own expense.
6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 2 MAY 03, unless you request and receive, in writing, an extension for good cause. I will send any statements you submit to the separation authority.
7. 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.
8. You have been scheduled for a medical examination. You must retrieve your medical records from 56th Medical Group Hospital Outpatient Records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this discharge file for the medical examination.
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 in your unit orderly room.
10. Sign the attached acknowledgment and return it to me immediately.


Commander

Lt Col, USAF