

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST FIRST MIDDLE INITIAL)				GRADE AB		AFSN/SSAN	
TYPE GEN		PERSONAL APPEARANCE		X		RECORD REVIEW	
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
X							
MEMBER SITTING				VOTE OF THE BOARD			
				HON	GEN	UOTHC	OTHER
							X
							X
							X
							X
							X
ISSUES A94.05		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 Dec 2005		CASE NUMBER FD-2005-00222					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
<p>Case heard at Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>							
SIGNATURE OF RECORDER				SIGNATURE OF BOARD DECISION			
ENDORSEMENT				DATE: 12/15/2005			
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-2005-00222

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, a Vacation action under the UCMJ and a Letter of Reprimand for failure to perform assigned duties, DWI, and failure to go. 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

[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Travis AFB, CA on 17 Sep 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Jun 68. Enlmt Age: 23 4/12. Disch Age: 25 3/12. Educ: HS DIPL. AFQT: N/A. A-54, E-46, G-55, M-41. PAFSC: 90830 - Apprentice Public Health Specialist. DAS: 17 Jun 92.

b. Prior Sv: (1) AFRes 11 Oct 91 - 5 Jan 92 (2 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 6 Jan 92 for 4 yrs. Svd: 1 Yrs 8 Mo 12 Das, all AMS.

b. Grade Status: AB - 28 Jul 93 (Article 15, 27 Jul 93)
Amn - 23 Sep 92 (Vacation of Article 15, 20 Jan 93)

c. Time Lost: None.

d. Art 15's: (1) 27 Jul 93, Misawa AB, Japan - Article 86. You did, on or about 19 Jul 93, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 20 Jan 93, Vacation, Misawa AB, Japan - Article 86. You did, on or about 31 Dec 92, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. (No appeal) (No mitigation)

(3) 23 Sep 92, Misawa AB, Japan - Article 111. You did, on or about 6 Sep 92, operate a vehicle, to wit: a passenger car, while drunk. Suspended reduction to Airman. Forfeiture of \$200.00 pay per month for two months, and 30 days restriction. (Appeal/Withdrawn) (No mitigation)

e. Additional: LOR, 16 OCT 92 - Failed to perform assigned duties.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM, AFOSLTR.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (7) Das
TAMS: (1) Yrs (8) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Jun 05.
(Change Discharge to Honorable)

Issue 1: Because my General Discharge was due to minor disciplinary infractions and I was told that it could be requested to be honorable discharge.

ATCH

None.

8JUL05/ia

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FROM: 432 MG/CC
Unit 5024
APO AP 96319-5024

23 Aug 93

SUBJ: Notification Letter

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your service will be characterized as general.

2. My reasons for this action are:

a. On 06 Sep 92, you operated a motor vehicle, a POV registered in your name, while intoxicated. Early on that morning, you were driving from Misawa to Hachinohe when you ran your vehicle off of the road and into a drainage ditch. You were apprehended by 432 SPS upon entering the Main Gate at Misawa AB at approximately 0518 hours that morning. Your Blood Alcohol Content that morning was .15 percent. As a result of this misconduct, you received an Article 15 on 23 Sep 92 by which you forfeited \$200.00 of your military pay per month for two months, were restricted to the limits of Misawa AB for 30 days, and were reduced to the grade of Airman, to be suspended until 21 Mar 93. Furthermore, your privileges to operate a motor vehicle as per USFJ Form 4 were revoked for one year.

b. On 10 Oct 92, you failed to perform assigned duties properly. On that date you disregarded your supervisor's instructions to perform receipt inspection of air-lifted produce at the Misawa AB Commissary. Due to this failure on your part, Commissary personnel were unable to determine the arrival condition of produce, nor investigate claims for over-aged produce. These subsequent inabilities resulted in monetary loss to the commissary due to the need to pay such claims. As a result of this misconduct, you received a Letter of Reprimand from your supervisor, dated 16 Oct 92.

c. On 31 Dec 92, you failed to report to your duty section at the Military Public Health Food Inspection Office, as a result of which another member was compelled to cover for you until your arrival. Upon his arrival, your substitute discovered that you had failed to secure sensitive property prior to your departure on your previous shift, a stamp used to acknowledge US government acceptance of vendor-supplied products. As a result of your failure to go, your previous suspended reduction to airman was vacated, effective 20 Jan 93. Your date of rank as Airman became 23 Sep 92.

d. On 19 Jul 93, you again failed to report to your duty section at the Military Public Health Food Inspection Office because you overslept. When you did arrive at work, your supervisor noticed an odor of alcohol on your breath and that your eyes were red. As a result of this misconduct, you received an Article 15 on 28 Jul 93, by which you were reduced to the grade of Airman Basic with a new date of rank of 28 Jul 93.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have arranged for you to consult [REDACTED] Area Defense Counsel, at 1500 hours on 24 Aug 93. 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 1630 hours on 26 Aug 93, within three duty days of your receipt of this letter, 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 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 Physical Examinations clinic at the base hospital, 432d Medical Group, on 24 Aug 93 at 0700 hrs for this examination. You should not eat for 14 hours prior to this exam, and bring any eyeglasses you wear to the exam.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the Orderly Room.

[REDACTED]

5 Atchs

1. Article 15, 23 Sep 92, w/atchs
2. LOR, 16 Oct 92
3. AF Form 366, 20 Jan 93 w/atchs
4. Article 15, 27 Jul 93, w/atchs
5. 432 MG/SGAO ltr, 20 Jul 93