

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	
		AB	
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
					X

ISSUES	A93.09	INDEX NUMBER	A67.90	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	CASE NUMBER	
29 Dec 2005	FD-2005-00282	

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	
INDORSEMENT	DATE: 12/29/2005

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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00282

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 merely states that he would like an upgrade for his future reputation on resumes. The records indicated the applicant received two Article 15s and a Letter of Reprimand for consuming alcohol underage, driving under the influence of alcohol, and willfully failed to refrain from frequenting a local hotel. 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Moody AFB, GA on 06 Jul 04 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Jul 84. Enlmt Age: 18 7/12. Disch Age: 19 11/12. Educ: HS DIPL. AFQT: N/A. A-72, E-72, G-80, M-76. PAFSC: 2A636 - Aircraft Electrical & Environmental System. DAS: 02 Apr 04.

b. Prior Sv: (1) AFRes 29 Jul 02 - 04 Aug 03 (01 yr 00 mos 05 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 05 Aug 03 for 4 yrs. Svd: 00 Yrs 11 Mo 02 Das, all AMS.

b. Grade Status: AB - 11 May 04 (Vacation of Article 15, 11 May 04)
Amn - 06 Feb 04

c. Time Lost: None.

d. Art 15's: (1) 11 May 04, Vacation, Moody AFB, GA - Article 92. You, who knew of your duties at or near Valdosta, Georgia, on or about 25 Apr 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do. Reduction to AB, and 10 days extra duty. (No appeal) (No mitigation)

(2) 08 Mar 04, Sheppard AFB, TX - Article 92. You, who knew or should have known of your duties at or near Wichita Falls, Texas, on or about 31 Jan 04, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol beverages while under the legal drinking age of 21 and willfully failed to refrain from frequenting a local hotel, as it was your duty to do. Suspended reduction to AB. Forfeiture of \$250.00 pay, and 20 days extra duty (in excess of 10 days suspended). (No appeal) (No mitigation)

e. Additional: LOR, 25 MAY 04 - Consuming alcohol underage and driving under the influence of alcohol.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (11) Mos (08) Das
TAMS: (00) Yrs (11) Mos (02) Das

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

Issue 1: I request upgrade to honorable for my future reputation on resumes.

ATCH

None.

16AUG05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 347TH RESCUE WING (AFSOC)
MOODY AIR FORCE BASE, GEORGIA

FD 2005-00282

16 Jun 2004

MEMORANDUM FOR AB [REDACTED]

FROM: 347 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an under honorable conditions (general) discharge. I am recommending that your service be characterized as an under honorable conditions (general) discharge.
2. My reason for this action are as follows:
 - a. On 31 Jan 04, you failed to refrain from consuming alcoholic beverages while under the legal drinking age of 21 as it was your duty to do. For this offense, you received nonjudicial punishment under Article 15, UCMJ on 8 Mar 04 (Atch 1a).
 - b. On or about 25 Apr 04, you willfully failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do. For this offense you received vacation of suspended non judicial punishment on 11 May 04 (Atch 1b).
 - c. On or about 25 Apr 04, you were apprehended for driving under the influence of alcohol and consuming alcohol while under the legal age of 21. For this offense you received a Letter of Reprimand (LOR) on 25 May 04 (Atch 1c) that was added to your existing Unfavorable Information File (UIF).
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 Area Defense Counsel, in Building 5107 Austin Ellipse, extension (DSN) 460-3421, on 16 Jun 2004 at 1500 hours. 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 21 Jun 2004 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 Moody Air Force Base Public Health section, Building 970 on 17 Jun 2004 at 0730 hours for the examination. **This is a mandatory appointment. Be sure to bring your medical records to this appointment.**

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7. 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 at 347 RQW/JA.

8. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

[REDACTED] Maj, USAF
Commander, 347 MXS

Attachments:

1. Supporting Documents, Reason for Discharge
 - a. AF Form 3070, dated 8 Mar 04
 - b. AF Form 366, dated 11 May 04
 - c. LOR, dated 25 May 04
 - d. Report of Investigation, dated 26 Apr 04
2. Receipt of Notification Memorandum