

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		<b>GRADE</b>  <b>SRA</b>	<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>No</b>					
	<b>X</b>					
<b>MEMBER SITTING</b> <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		<b>VOTE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
<b>ISSUES</b> A92.21 A93.01 A92.01 A92.03 A94.05		<b>INDEX NUMBER</b> A67.10		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
				<b>1</b>	ORDER APPOINTING THE BOARD	
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
				<b>3</b>	LETTER OF NOTIFICATION	
				<b>4</b>	BRIEF OF PERSONNEL FILE	
					COUNSEL'S RELEASE TO THE BOARD	
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
					TAPE RECORDING OF PERSONAL APPEARANCE	
<b>HEARING DATE</b> 05 Jul 2006		<b>CASE NUMBER</b> FD-2005-00366				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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>						
<b>SIGNATURE OF RECORDER</b> <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>				<b>SIGNATURE OF BOARD PRESIDENT</b> <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>		
<b>INDORSEMENT</b>				<b>DATE: 7/11/2006</b>		
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				<b>FROM:</b> 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-2005-00366**

**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:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15's, one Letter of Reprimand and one Record of Individual Counseling for misconduct. The records indicated the first Article 15 was for driving under the influence of alcohol. Applicant was punished with a reduction in grade to Airman and forfeiture of \$100.00 pay for two months. The second Article 15 was for behaving with disrespect towards superior commissioned officers and orally communicating indecent language to a female bystander at a softball game with children in attendance. The applicant was punished with a suspended reduction to airman, suspended pay of \$150.00 for two months, and 45 days of extra duty. The records also indicated applicant received a Letter of Reprimand for a guilty plea for driving under the influence of alcohol and a Letter of Counseling for violation of safety guidelines by not wearing a seatbelt while operating a government vehicle. 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 his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

Issue 3. The DRB was pleased to see that the applicant was doing well and has a good job as a department supervisor with the Home Depot management team. 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.

Issue 5. Applicant contends that he should not be penalized indefinitely for a mistake he made when young and immature. The DRB recognized the applicant was 24 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Mountain Home AFB, ID on 28 Jan 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Nov 80. Enlmt Age: 18 5/12. Disch Age: 24 2/12. Educ: HS DIPL. AFQT: N/A. A-77, E-52, G-74, M-43. PAFSC: 2W051 - Munitions and Weapons Systems Journeyman. DAS: 29 Jan 00.

b. Prior Sv: (1) AFRes 30 Apr 99 - 31 Aug 99 (4 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 01 Sep 99 for 6 yrs. Svd: 05 Yrs 04 Mo 28 Das, all AMS.

b. Grade Status: SrA - 12 Jul 04  
A1C - 23 Jul 02  
Amn - 13 Aug 01  
A1C - 29 Oct 99

c. Time Lost: None.

d. Art 15's: (1) 2 Oct 03, Mountain Home AFB, ID - Article 89. You did, on or about 15 Aug 03, behave yourself with disrespect toward Major [REDACTED], Major [REDACTED], and Captain [REDACTED], your superior commissioned officers, then known by you to be your superior commissioned officers, by saying to them in a disrespectful manner "Why don't you mind your own fucking business," or words to that effect. Article 134. You, did, on or about 15 Aug 03, orally communicate to a female bystander at the intermural softball game with children in attendance, certain indecent language, to wit: "If you show me your tits" or words to that effect. Suspended reduction to Airman. Suspended forfeiture of \$150.00 pay per month for 2 months. Forty five days extra duty (deferred until 25 Oct 03). (Appeal/Denied) (No mitigation)

(2) 13 Aug 01, Mountain Home AFB, ID - Article 111. You, did, on or about 29 Jul 01, physically control a vehicle, to wit: a truck while the alcohol concentration in your breath was 0.20 grams of alcohol per 210 liters

of breath as shown by chemical analysis. Reduction to Airman, and forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

- e. Additional: LOR, 18 NOV 04 - Arrested and plead guilty to driving under the influence of alcohol.  
 RIC, 22 JUN 01 - Violation of safety guidelines by not wearing seatbelt while operating a government vehicle.
- f. CM: None.
- g. Record of SV: 01 Sep 99 - 15 Apr 01 Mountain Home AFB 5 (HAF Dir)  
 16 Apr 01 - 15 Apr 02 Mountain Home AFB 2 (Annual)REF  
 16 Apr 02 - 15 Apr 03 Mountain Home AFB 5 (Annual)  
 16 Apr 03 - 10 Oct 03 Mountain Home AFB 4 (Cmdr Dir)REF  
 11 Oct 03 - 10 Oct 04 Mountain Home AFB 5 (Annual)
- h. Awards & Decs: AFTR, NDSM, AFEM, AFLSAR, AFOUA.
- i. Stmt of Sv: TMS: (05) Yrs (08) Mos (29) Das  
 TAMS: (05) Yrs (04) Mos (28) Das
4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Sep 05.  
 (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Eight Character References.
3. Substance Use Evaluation.
4. Evaluation Outcome.
5. Letter of Support.
6. Performance Development Summary.
7. Discharge Summary.
8. DD Form 214.

26OCT05/ia



Dear District Review Board (DRB): The following issues are the reasons I believe my discharge should be upgraded to Honorable. If you disagree, please explain in detail why you disagree. The presumption of regularity that might normally permit you to assume that the service acted correctly in characterizing my service as less than honorable does not apply to my case because of the evidence I am submitting.

1. My average conduct, efficiency, behavior, and proficiency ratings were above the standard. During my tenure with the United States Air Force I received five Enlisted Performance Reviews (EPR's), three of which covered periods of service where alcohol had seized to impact my career resulting in firewall five ratings across the board. I received exemplarity ratings on other EPR's in all categories excluding the areas where alcohol dependency affected my progress. Multiple performance feedbacks written by various supervisors describe my positive work habits, strict ethics, and surpassing standards. Letters of Evaluation (LOE's) received during my multiple tours in support of Operation Enduring Freedom (OEF), Operation Iraqi Freedom (OIF), Operation Southern Watch (OSW), Operation Northern Watch (ONW), and Operation Noble Eagle (ONE) in locations, to include but not limit, Al Jaber AB, Kuwait, Bagram AB, Afghanistan, and Al Udeid AB, Qatar describe high caliber performance while deployed in a contingency environment.
2. I have received Awards and Decorations during my service. Awards and Decorations received are as follows: AF Outstanding Unit Award plus device, National Defense Service Medal, Armed Forces Expeditionary Medal, AF Longevity Award, and AF Training Ribbon. Less notable recognitions include a certificate of appreciation for excelling in my Career Development Course (CDC) during upgrade training, Airman of the month award while deployed to Al Udeid AB, Qatar in support of OEF OIF, OSW, and ONW, 2003 Technical Accuracy Award winner during a bomb build competition at Mountain Home AFB, Idaho, various certificate of appreciations, and earning the title of Munitions Inspector as an E-3 when the position and the training is typically reserved for top notch E-5's and above.
3. I had combat service and have productively contributed to OEF, OIF, OSW, ONW and ONE. The Conventional Maintenance Element I was assigned to during a deployment to Al Jaber AB, Kuwait from October 2001 to January 2002 established a 99 percent success rate on all expended munitions assets. Hand selected to forward deploy to Bagram AB, Afghanistan while previously deployed to Al Jaber AB, Kuwait from June 2002 to September 2002 in order to support A-10 aircraft in search and rescue missions. Became one of two individuals

designated as Conventional Munitions Expendable Account Custodians responsible to maintain 100 percent accountability of all munitions assets assigned to the Conventional Munitions Element valued at over \$73M while deployed to Al Udeid AB, Qatar from December 2003 to March 2004. In addition I was recognized as Airman of the Month for the month of February 2004. Became a part of a 10 individual crew deployed stateside to Headquarters Air Combat Command (HQ ACC) in 2003 to support ONE while Langely AFB, Virginia was deployed overseas.

4. I was so close to finishing my enlistment that it was unfair to give me a General (Under Honorable Conditions) Discharge. My six year term of service was scheduled to complete within seven months of my premature separation. With unexhausted leave earned included, I would have had less than five months of service left to serve before completing a successful enlistment.
5. My ability to serve was impaired because of several reasons. Youth, immaturity and Alcoholism were the prime factors in my inability to serve my country honorably. I joined the Armed Forces directly after High School with the hopes to build a better future for myself and to bring pride amongst my family. I had never been away from home before in my life. It became very difficult to relate with newfound peers from such diverse backgrounds. In time I found that I could become on the same plain as other individuals and adapt to my new surroundings through alcohol. Within my first year at Mountain Home AFB, Idaho I developed a low self esteem and entered a stage of depression. Soon the loneliness and feeling of overwhelm rapidly snowballed into alcohol abuse. Alcohol seemed to be the only means I could conjure in order to escape the problems of my reality. During my period of enlistment I tried several time to cease my need for alcohol and failed. Thoughts of seclusion and disbelief in my disease cloaked my desire to extinguish my addiction. After several attempts of self remedy the United States Air Force took forth a proactive role to assist me with my disease in 2003. The Air Force was kind enough to send me a rehabilitation clinic in Gooding, Idaho. At the Walker Center I learned that others suffer from the same problems as I and that there were tools I could utilize in order to prevent relapsing into old behaviors and habits. I became our group leader within my first week at the center. During sessions counselors would stress on the importance of taking my recovery program slowly, not to allow any dramatically lifestyle changes to occur within the first year of sobriety and to attend support group meetings regularly. The day following my release from the Walker Center I was placed on 12 hour work shifts for 45 consecutive days. The day after my additional duty ended I deployed to Al Udeid AB, Qatar for four months. I managed to stay sober in those six months despite the venture away from the necessary guidelines outlined in order to create a successful recovery for myself with zero support group meeting provided and placed in a combat service atmosphere
6. The punishment I received was too harsh compared to what most people get for the same offenses. My discharge included four separate incidences. The

punishment of an Article 15 for Disrespect towards a Commissioned Officer and Lude Behavior was issued by former Commissioned Officer Major [REDACTED]. Major [REDACTED] was recently separated from the United States Air Force for soliciting sex to a minor. Major [REDACTED] conviction also led to his loss of commission, a court martial, and is now registered as a known sex offender. Major [REDACTED] was also a known acquaintance and friend of the civilian attired gentleman involved in the incident. I believe it is unjust for an individual of that caliber to pass judgment upon another person. Excluding that event I was discharged for a Letter of Reprimand (LOR) for not wearing a seat belt, an Article 15 for Driving Under the Influence (DUI) in 2001, and an LOR for a DUI in 2004. My two alcohol related incidences were three years apart. My most recent occurrence only arose to my commands awareness when I informed them that I was cited for the offense while on leave to Bellingham, Washington. I have personally worked side by side with other enlisted Airmen, Non-commissioned Officers and Senior Commissioned Officers whom have accumulated up to five DUI offenses within their careers. Though the previous statement does not justify my actions it should clarify my signs of remorse.

7. I have been a good citizen since discharge. Shortly after my release from the United States Air Force I became apart of the Home Depot management team as a Department Supervisor. I successfully completed a 6 to 12 month recovery programs in 7 months involving 3 out patient recovery centers due to my recent relocation issues. While under supervised probation I completed all of my mandated requirements 6 months early and was advanced to unsupervised probation ahead of schedule compared to normal standards. I have not indulged in any form of mind altering substances since my DUI on October 28, 2004 and look forward to receiving my 1 year anniversary coin from my home Alcoholics Anonymous group that I attend regularly.

Attachments:

- 1.
- 2.
- 3.





**DEPARTMENT OF THE AIR FORCE**  
**366TH EQUIPMENT MAINTENANCE SQUADRON (ACC)**  
**MOUNTAIN HOME AFB, IDAHO 83848**

6 JANDS

MEMORANDUM FOR SRA: 

FROM: 366 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as an Honorable, Under Honorable Conditions (General), or Under Other Than Honorable Conditions (UOTHC) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.
2. My reasons for this action are:
  - a. On or about 29 Oct 04, you were arrested and plead guilty to driving under the influence at or near Bellingham, Washington. As a result, you received a Letter of Reprimand (LOR), dated 18 Nov 04. (Atch 1).
  - b. On or about 15 Aug 03, you showed disrespect towards three commissioned officers, As a result, you received an Article 15, UCMJ, dated 02 Oct 03. (Atch 2).
  - c. On or about 15 Aug 03, you orally communicated indecent language to a female bystander while at an intramural softball game. As a result, you received an Article 15, UCMJ, dated 02 Oct 03. (Atch 2).
  - d. On or about 29 Jul 01, you physically controlled a vehicle while the alcoholic concentration in you breath was 0.20 grams of alcohol per 210 liters of breath as shown by chemical analysis. As a result, you received an Article 15, UCMJ, dated 13 Aug 01. (Atch 3).
  - e. On 21 Jun 01, you were in violation of safety guidelines by not wearing your seatbelt while operating a government vehicle. As a result, you received a Record of Counseling (ROC), dated 22 Jun 01. (Atch 4).
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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 and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 Captain; \_\_\_\_\_ at 750 Desert Ave, on 6 JAN 05, at 1030 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays of the date of this memorandum unless you request and receive an extension for good cause shown. I will forward them to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to the Force Health Management Section, Mountain Home AFB Hospital on 6 JAN 05, at 1400 hours for the examination.

8. 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 your Orderly Room.

9. You will surrender your ID card to me immediately. Proceed with this letter to the Military Personnel Flight (MPF), Customer Service, Building 512, Mountain Home AFB no later than 1200 hours 6 JAN 05 where you will be issued a temporary ID card good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.

10. Proceed with this letter to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than 1600 hrs 6 JAN 05 where you will turn in your Mountain Home AFB vehicle sticker and your DoD vehicle decal after which you will be issued a temporary vehicle pass good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle decal will be issued to you until the case is finalized.

11. Proceed with this letter to the Traffic Management Office (TMO), in building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.

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

\_\_\_\_\_

Commander

Attachments:

1. LOR, dated 18 Nov 04
2. Article 15, dated 02 Oct 03
3. Article 15, dated 13 Aug 01
2. ROC, dated 22 Jun 02