

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | GRADE A1C | AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> |
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| TYPE GEN | PERSONAL APPEARANCE | X | RECORD REVIEW |
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| COUNSEL | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL |
| YES | No | |
| | X | |

| MEMBER SITTING | VOTE OF THE BOARD | | | | |
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| | HON | GEN | UOTHC | OTHER | DENY |
| <div style="border: 1px dashed black; height: 100px; width: 100%;"></div> | | | | | X |
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| ISSUES | A92.21 | INDEX NUMBER | A67.50 | EXHIBITS SUBMITTED TO THE BOARD | | | | | | | | | | | | | | |
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| | TAPE RECORDING OF PERSONAL APPEARANCE | | | | | | | | | | | | | | | | | |

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| HEARING DATE | CASE NUMBER | |
| 25 May 2006 | FD-2005-00373 | |

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.

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| SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 30px; width: 100%;"></div> | SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 30px; width: 100%;"></div> |
| INDORSEMENT | DATE: 5/30/2006 |

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| 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**FD-2005-00373**

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 received a General discharge for a Pattern of Misconduct

Applicant contends that he made mistakes early in his career that were out of character for him and before he could get his act together his father passed away which resulted in his becoming a heavy drinker. Applicant now feels that he has made the proper corrections to change his life, made amends for his mistakes, and this discharge is the only thing hanging over his head. The records indicated the applicant received two Article 15s, one Vacation Action, and one Letter of Reprimand for misconduct to include failure to go at the time prescribed to his appointed place of duty, being drunk and disorderly, theft, disorderly conduct, and being too intoxicated to perform his duties. 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, and the characterization of the discharge received by the applicant was found to be appropriate; however, if he can provide additional documented information to substantiate his 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, he should be prepared to provide the DRB with factual evidence of 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**

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr McGuire AFB, NJ on 30 Apr 99 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 15 Sep 74. Enlmt Age: 20 9/12. Disch Age: 24 7/12. Educ: HS DIPL. AFQT: N/A. A-46, E-72, G-68, M-35. PAFSC: 2P051 - Precision Measurement Equipment Lab Journeyman. DAS: 12 Jul 96.

b. Prior Sv: (1) AFRes 16 Jun 95 - 15 Aug 95 (2 mos 0 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Aug 95 for 6 years. Svd: 03 Yrs 08 Mo 15 Das, all AMS.

b. Grade Status: A1C - 21 Jan 99 (Vacation of Suspension, 17 Mar 99)
SrA - 30 Jan 98
A1C - 30 Sep 95

c. Time Lost: None.

d. Art 15's: (1) 17 Mar 99, Vacation, RAF Lakenheath, UK - Article 86. You did, at or near Aviano AB, Italy, on or about 28 Feb 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: the tank build up tent. Article 134. You were, at or near Aviano AB, Italy, on or about 28 Feb 99, as a result of wrongful previous overindulgence in intoxicating liquor, incapacitated for the performance of your duties. You were, at or near Aviano AB, Italy, on or about 5 Mar 99, disorderly. Reducation to A1C. (No appeal) (No mitigation)

(2) 21 Jan 99, RAF Lakenheath, UK - Article 86. You did, on or about 4 Jan 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit RAF Feltwell, Building 17. Suspended reduction to A1C. Thirty days extra duty. (No appeal) (No mitigation)

(3) 6 Nov 95, Keesler AFB, MS - Article 121. You did, on or about 21 Oct 95, steal two bottles of cologne, of a total value of about \$70.00, the property of AAFES. Forfeiture of \$232.00 pay and seven days extra duty.

(No appeal) (No mitigation)

- e. Additional: LOR, 13 AUG 98 - Apprehended by Law Enforcement for drunk and disorderly conduct.
- f. CM: None.
- g. Record of SV: 16 Aug 95 - 15 Apr 97 RAF Lakenheath 4 (Initial)
16 Apr 97 - 15 Apr 98 RAF Lakenheath 5 (Annual)
- h. Awards & Decs: AFOUA, NDSM, AFOSLTR, AFTR.
- i. Stmt of Sv: TMS: (03) Yrs (10) Mos (15) Das
TAMS: (03) Yrs (08) Mos (15) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 Sep 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.
- 2. Five Letter's of Recommendation.
- 3. Seven Letter's of Appreciation.
- 4. Copies of his two EPRs.

17NOV05/day

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:

Character Reference

b. DOCUMENT 2:

Character Reference

c. DOCUMENT 3:

Character Reference

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.

I do not feel my discharge was inequitable. Reflecting back on my actions I feel I was lucky to receive a general discharge. I've made mistakes early in my military career that were out of character for me. Before I could get my act together my father passed away in October 6, 1998. His tragic death led me to heavy drinking which was the straw that broke the camels back for the Air Force. Never having lost an immediate family member I didn't know how to cope. After my discharge I knew I was in for hard times. I never went back to New York, my home of residence. I was too embarrassed. I felt like a failure and I was ashamed. With my family's love and support I stayed in England to figure out how I was going to get out of this mess. I got myself into. I worked for the Arts & Crafts Center on RAF Lakenheath and the commissary as a stock vendor at night. I did this for 3 years until I got my current position as a panel technician in 2002. Since then I've quit smoking and binge drinking. I never wanted to put in for an upgrade until I felt I deserved an upgrade. I wanted to prove to you that I made the proper corrections to change my life. I know that I do not want to relive those 3 hard and long years after I was discharged. I don't mean to sound like a sob story but I will never forget the lessons learned, most importantly being responsible for my own actions. I feel I made amends for my mistakes and this is the only thing hanging over my head. I hope these letters will show you who I've been through out the years and that I am not the negative person you will find in my records. I'd like an upgrade to Honorable.

-Thank you for your time and consideration.

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)

20050913

b. SIGNATURE

[Handwritten 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 |

**DEPARTMENT OF THE AIR FORCE
48TH FIGHTER WING (USAF)**

MEMORANDUM FOR A1C [REDACTED] 48 CRS

24 Mar 99 *AKK*

FROM: 48 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50. If my recommendation is approved, your service will be characterized as General. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. You received a Vacation of Suspended Nonjudicial Punishment, dated 11 Mar 99, for violation of Article 86, UCMJ, failure to go to prescribed place of duty; Article 134, UCMJ, wrongful indulgence of alcohol causing incapacitation to perform duties, and Article 134, UCMJ, disorderly conduct.

b. You received an Article 15, dated 8 Jan 99 for failure to go at the time prescribed to your appointed place of duty on 4 Jan 99.

c. You received a Letter of Reprimand, dated 13 Aug 98 and a UIF, dated 13 Aug 98 for being drunk and disorderly on or about 7 Aug 98.

d. You received an Article 15, dated 27 Oct 95 for stealing two bottles of cologne, total value of \$70.00 from AAFES on or about 21 Oct 95.

3. The commander exercising SPCM 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.

4. You have the right to consult counsel. Military legal counsel, **Capt** [REDACTED], Area Defense Counsel, ext 3608, has been obtained to assist you. An appointment has been scheduled for you to consult him at **0930 hrs on 25 Mar 99**. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by Monday, 29 Mar 99 unless you request and receive an extension for good cause shown. I will send 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. The medical examination will be in two parts. For the first part, you must report to 48th Medical Group, Physical Exam Section at **0730 on 25 Mar 99**. (If you wear glasses you need to take them along at the time of your appointment.) For the second part,

you must report to the Family Practice clinic at 1420 on 25 Mar 99. Please check in 15 minutes prior to your scheduled appointment. Per your request, you have also been scheduled to enter the ADAPT program.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement. A copy of AFI 36-3208 is available for your use in your unit orderly room.

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



CALLIS L. MCLAIN, Maj, USAF
Commander

Attachments:

1. Vacation of Suspended Nonjudicial Punishment, dtd 11 Mar 99
2. Art 15, dtd 8 Jan 99
3. LOR, dtd 13 Aug 98
4. Art 15, dtd 27 Oct 95