

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE AB	AFSN/SSAN []
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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				
	HON	GEN	UO/HC	OTHER	DENY
[]					X
[]					X
[]					X
[]					X
[]					X

ISSUES A93.23 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 HE

HEARING DATE 28 Jul 2006	CASE NUMBER FD-2005-00402	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in 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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INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 10/12/2006 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00402

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 Misconduct--Minor Disciplinary Infractions

Applicant contends that his alcohol related troubles stemmed from psychiatric/mental issues (severe/chronic depression) that were related to his mother's brutal murder. While the Board sympathized with the member's loss, the record contained no documentation to support this contention. The records indicate applicant received an Article 15 and a vacation of an Article 15 for misconduct that included being drunk on duty, stealing a vehicle and driving in a reckless manner at high speed, leaving the scene of an accident, and dereliction of duty. After thorough review of the records, the Board concluded the misconduct was a significant departure from conduct expected from all military members and found no evidence of inequity or impropriety. The Board found the characterization of the discharge received by the applicant to 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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Robins AFB, GA on 20 Aug 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 7 Jan 78. Enlmt Age: 19 8/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-63, E-76, G-76, M-71. PAFSC: 2A753 - Aircraft Structural Maintenance Journeyman. DAS: 9 Jul 98.

b. Prior Sv: (1) AFRes 18 Sep 97 - 14 Jan 98 (3 mos 27 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Jan 98 for 4 years. Extended 10 Nov 99 for 6 months. Svd: 03 Yrs 07 Mo 06 Das, of which AMS is 3 yrs 6 mos 24 das (excludes 12 days lost time).

b. Grade Status: AB - 18 Jun 01 (Vacation, 12 Jul 01)
A1C - 14 May 99
Amn - 14 Jul 98

c. Time Lost: 30 Jul 00 - 10 Aug 00 (12 days)

d. Art 15's: (1) 12 Jul 01, Vacation, Spangdahlem AB, GE - Article 92. You, who knew of your duties, on or about 8 Jul 01, were derelict in the performance of those duties, in that you negligently failed to stay awake while performing extra duty, as it was your duty to do. Article 86. You did, on divers occasions, between on or about 4 Jul 01 and on or about 8 Jul 01, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 18 Jun 01, Spangdahlem AB, GE - Article 111. You did, at or near Jacksonville, FL, on or about 30 Jul 00, operate a vehicle to wit: a passenger car in a reckless manner by driving at a high speed around a curve and did thereby cause said vehicle to strike a tree. Article 121. You did, at or near Jacksonville, FL, on or about 30 Jul 00, wrongfully appropriate a motor vehicle, of a value of about \$1,000.00, the property of Harvest Beaudry. Article 134. You, the driver of a vehicle at the time of an accident in which said vehicle was involved, and having knowledge of said accident, did, at

or near Jacksonville, FL, on or about 30 Jul 00, wrongfully leave the scene of the accident without making your identity known. You were, at or near Jacksonville, FL, on or about 30 Jul 00, disorderly. Suspended reduction to AB. Forfeiture of \$100.00 pay per month for 2 months, 30 days extra duty and Reprimand. Restriction to Spangdahlem AB, GE for 15 days with the exception of Bitburg, GE (Eifel West Annex), for medical treatment as the need arises. (No appeal) (No mitigation)

(3) 27 Apr 00, Spangdahlem AB, GE - Article 112. You were, on or about 6 Apr 00, found drunk while on duty as an Aircraft Structural Maintenance Apprentice. Suspended reduction to Amn. Forfeiture of \$100.00 pay per month for 2 months, 30 days extra duty and Reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 15 Jan 98 - 14 Sep 99 Spangdahlem AB 5 (Initial)
15 Sep 99 - 14 Sep 00 Spangdahlem AB 2 (Annual)REF

h. Awards & Decs: AFTR, AFOUA W/1 OAK LEAF CLUSTER.

i. Stmt of Sv: TMS: (03) Yrs (10) Mos (21) Das
TAMS: (03) Yrs (06) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Oct 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

ATCH

1. Applicant's Issues.
2. Court Documents.

12Dec05/day

<p>AIR FORCE Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p>COAST GUARD U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>
<p>ARMY Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)</p>	<p>NAVY AND MARINE CORPS Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

16. REMARKS (If applicable)

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

① General Information Documents (Aggravated Murder)
 ② General Information Documents Amended to First Degree Murder
 ③ Court Proceedings from the case.

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

I learned of her brutal murder, my conduct was fine. However, struggling with those difficult events proved to be too much for me in the end, & lead to my untimely discharge. The provided documents substantiate those claims. I believe that due to my mental state (which can be verified by LT.col ²⁸⁹ my ~~program~~ discharge should be upgraded & educational benefits (5.I.B.11) restored. Mental instability caused my problems, and I feel I am being punished for my mental instability.



DEPARTMENT OF THE AIR FORCE
52D FIGHTER WING (USAF)

FD 2005-00402

10 AUG 2001

MEMORANDUM FOR AB: [REDACTED], 52 EMS

FROM: 52 EMS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general (under honorable conditions).

2. My reasons for this action are:

a. On or about 6 Apr 00, you were drunk on duty. For this infraction you received an Article 15 Nonjudicial Punishment on 27 Apr 00. You were reduced to the grade of E-2 (Airman), suspended until 26 Oct 00, required to forfeit \$100.00 pay per month for 2 months, received 30 days extra duty, and a reprimand. (Atch 1)

b. On or about 30 Jul 00, you stole a vehicle and drove it in a reckless manner at a high speed causing it to strike a tree. Further you wrongfully left the scene of the accident without making your identity known. For this infraction, you received an Article 15 Nonjudicial Punishment on 18 Jun 01. You were reduced to the grade of E-1 (Airman Basic), suspended until 17 Dec 01, required to forfeit \$100.00 pay per month for 2 months, received 30 days restriction to base, and 30 days extra duty. (Atch 2)

c. On or about 8 Jul 01, you were derelict in the performance of your duties in that you negligently failed to stay awake while performing extra duties. For these infractions, the suspended Nonjudicial Punishment was vacated on 12 Jul 01. You were reduced to the grade of E-1 (Airman Basic), with a new date of rank of 18 Jun 01. (Atch 3)

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 a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for re-enlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you with Capt Ratna M. Contractor, Spangdahlem AB, Germany, DSN 452-6607, on 10 Aug 01 at 1500 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 duty days, unless you request and receive an extension in writing for good cause shown. I will send them to the separation authority.
6. If you fail to consult counsel or to submit statements on your own behalf within the time period prescribed, it will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to the 52d Medical Group, PHYSICAL EXAMS ELEMENT on 13 Aug 01 at 0900 hours. An appointment has also been made at FAMILY PRACTICE on 13 Aug 01 at 0915 hours.
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 in the Commander's Support Staff office.
9. Execute the attached acknowledgment and return it to me immediately.

[Redacted Signature Box]

Commander

Attachments:

1. AF Form 3070, 27 Apr 00
2. AF Form 3070, 18 Jun 01
3. AF Form 366, 12 Jul 01
4. Airman's Receipt of Notification Letter, located at Tab 2