

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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>			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X*
						X*
						X*
						X*
ISSUES A92.35 A93.19 A93.01 A92.01 A93.07 A94.05		INDEX NUMBER A67.00		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 28 Jul 2006		CASE NUMBER FD-2005-00436				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard in 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> <p>*Reason and Authority</p>						
SIGNATURE OF RECORDED <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			
INDORSEMENT				DATE: 7/31/2006		
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 FL.OOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00436

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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. Although not explicitly stated the applicant suggested that his discharge was inequitable because it was too harsh and that he made irresponsible decisions at isolated points in his career. The records indicated the applicant received an Article 15, two Records of Individual Counseling and four civilian convictions for misconduct. The Article 15 was for failure to go to appointed place of duty and overindulgence in intoxicating liquor leaving the applicant incapacitated for the performance of duties. As a result, he was reduced in grade to airman first class. He also received two Letters of Counseling for being late for duty and failure to obey technical orders. The applicant also had four occasions of misconduct with civilian authorities resulting in conviction for two charges for Driving Under the Influence and two charges of domestic violence/battery and disorderly conduct. 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. Although not specifically stated, applicant contends that he should not be penalized indefinitely for a mistake he made when he was young. The DRB recognized the applicant was 25 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF McConnell AFB, KS on 15 Dec 04 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 15 Dec 79. Enlmt Age: 20 6/12. Disch Age: 25 0/12. Educ: HS DIPL. AFQT: N/A. A-57, E-57, G-68, M-69. PAFSC: 2A654 - Aircraft Fuels Systems Journeyman. DAS: 6 Nov 00.

b. Prior Sv: (1) AFRes 29 Jun 00 - 11 Jul 00 (13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Jul 00 for 6 yrs. Svd: 04 Yrs 05 Mo 04 Das, all AMS.

b. Grade Status: A1C - 27 Oct 04 (Article 15, 27 Oct 04)
SrA - 28 Dec 02
A1C - 28 Aug 00

c. Time Lost: None.

d. Art 15's: (1) 27 Oct 04, McConnell AFB, KS - Article 86. You, did, on or about 7 Oct 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1176. Article 134. You, were, on or about 8 Oct 04, as a result of wrongful previous overindulgence in intoxicating liquor, incapacitated for the proper performance of your duties. Reduction to A1C. (No appeal) (No mitigation)

e. Additional: RIC, 09 AUG 04 - Failure to obey Technical Orders.
21 JUL 04 - Civilian conviction for disorderly conduct and domestic violence/battery against his wife.
04 AUG 04 - Civilian conviction for wrongfully driving his vehicle under the influence of alcohol.
28 JUL 01 - Civilian conviction for domestic violence/battery and disorderly conduct.
20 JAN 01 - Civilian conviction for failing to maintain/no driver's license in possession, no proof of insurance, and driving under the influence of alcohol.

RIC, 20 DEC 00 - Late for duty.

f. CM: None.

g. Record of SV: 12 Jul 00 - 11 Mar 02 McConnell AFB 4 (Annual)
12 Mar 02 - 11 Mar 03 McConnell AFB 5 (Annual)
12 Mar 03 - 11 Mar 04 McConnell AFB 5 (Annual)

h. Awards & Decs: AFTR, NDSM, AFLSAR, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (04) Yrs (05) Mos (17) Das
TAMS: (04) Yrs (05) Mos (04) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Aug 05.

(Change Discharge to Honorable Discharge, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Five Character References.
3. Three Enlisted Performance Reports.
4. Response to Proposed Article 15.

22DEC05/ia

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

I FEEL MY DISCHARGE WAS IMPROPER ON ACCOUNT THAT ONE OF THE DETERMINING FACTORS, AS STATED IN THE NOTIFICATION OF INTENT TO DISCHARGE, WAS ON THE BASIS OF ME RECEIVING THE ONLY (NJP) ARTICLE 15 IN WHICH EVIDENCE TO SUPPORT THE CHARGE WAS ILLEGALLY OBTAINED; (PLEASE SEE ATTACHMENT PAGES I AND II AND REVIEW ITEMS 4-7 OF AREA DEFENSE COUNSEL RESPONSE TO ARTICLE 15) MY MARITAL PROBLEMS ALONG WITH SELF-MEDICATING WITH ALCOHOL PLAYED BIG FACTORS IN MY OFF DUTY CONDUCT AND INCIDENTS (PLEASE REVIEW MY MEMORANDUM TO THE DISCHARGE REVIEW BOARD FOR DETAILS) OTHER LISTED ACTIONS INCLUDED, RECORDS OF INDIVIDUAL COUNSELING (RIC) ARE IN SOME WAYS UNAVOIDABLE DUE TO CIRCUMSTANCES SUCH AS MINE IN WHICH NO ONE PERSON IS TO BLAME BUT RATHER A GROUP COUNSELING; WERE AN INDIVIDUAL DID NOT HAVE A NYTHING TO DO WITH THE CAUSE OF THE INCIDENT BUT WAS COUNSELED FOR BEING PART OF THE TEAM ASSIGNED TO THE TASK IN WHICH MIS HAP OCCURRED;

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

16. REMARKS (if applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW .

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



15 August 2005

MEMORANDUM FOR DICHARGE REVIEW BOARD MEMBERS

FROM: BRANDALE AUSTIN

SUBJECT: Discharge Upgrade Request

Dear Members (DRB),

1. I am a Veteran of the United States Air Force I served in the 22nd Maintenance Squadron of McConnell AFB, as an Aircraft Fuel Systems Journeyman, I have had the chance to review my military records and the contents of my Discharge notification Package. My Command recommended and I received A General discharge for incidents stated. In my application I request, respectfully, that you (Board Members) review my presentation in its entirety and take it into account in determining your decision and overall judgment of my service in the Air Force.

2. At isolated points in my career I made irresponsible decisions, which were avoidable. Now at age 25 I have had a chance to put my mistakes behind me and heed to the lessons learned in order to succeed and press on with a positive productive life as a respectable American citizen.

3. I joined the Air Force in July 2000 and was honored to serve. I wanted to provide my two boys with oppurtunities I was never afforded as a young boy, support, love and a positive male figure. I attended basic training at Lackland AFB, TX in July of 2000 and graduated in August of the same year. I went on to attend technical training at Shepard AFB, TX. I excelled academically in my training as an Aircraft Fuel Systems Apprentice achieving eighty percent or above scores on all course exams. I graduated technical training in October of 2000. I was then assigned to the 22nd Maintenance Squadron Aircraft Fuel Systems Repair Shop at McConnell AFB, KS.

4. Once in operational status I was determined to learn everything I could in order to excel in my career field. My first off duty incident occurred in January 2001, it was an off base DUI. Even before sentenced I was regretful of my poor judgment. The authorities of Wichita took control of the incident, which resulted in one year of probation and a fine of one thousand dollars. For the next year I abstained from alcohol use, worked with Life Skills and was determined to press on and excel in order to prove my repentance and that despite poor judgment I would still continue to be a valuable asset to the Air Force.

5. I strived to excel and in 2003 I received my 5-Level certification and was promoted to Senior Airman. The year 2004 brought unfamiliar challenges and looking back at the time I feel I was not prepared for them neither mentally nor emotionally. I ran into marital problems, which consisted of arguing and overall confirmed infidelity of my wife that consisted of dishonesty and incidents such as unexplained phone calls for her, from



men I did not know, in addition she would stay out until the following morning regularly with no explanation as to where she was, the presentation of this behavior and her eventual confession of infidelity impacted me deeply both emotionally and mentally,

faced with these issues I tried reconciling with my wife in an attempt to preserve my family.

My Failure to address these issues constructively and responsibly led to depression and a negligent decision; In 2004 I once again engaged in the heavy use of alcohol in an attempt to self medicate and escape the reality of issues presented to me. As a diagnosed alcohol dependant, I now realize that if I would have exercised a little more perseverance and continued my abstinence, I would have been fit to handle these issues constructively. I now continue my Alcoholics Anonymous support group meetings in addition to abstaining from alcohol use and various other positive functions such as church and volunteer work.

6. Those issues mentioned above led to my eventual separation from my wife in which she moved back to Colorado with our children in addition to family deaths; Led to my poor decision of continued self-medicating with alcohol. My intent in this presentation is in no way meant to excuse my behavior or poor decisions; I am aware that my actions can only be accounted for by me no matter what the situation. Instead I am shedding light on my situation and my honest, devoted service to my country as a whole, revealing the good in my heart that is not always so evident in my circumstances and exposing the positive and Loving Father /Husband. I accomplished a positive rehabilitation and before my discharge I was on my way to overcoming the issues that my marriage and my own isolated bad decisions presented to me in my young adult life. To this day I cannot help thinking of how the United States Air Force is the best thing that happened to me and how I would rather be serving my country with my fellow troops. A proud American Veteran honored to serve.

7. (DRB) Members in reviewing my discharge recommendation package I am sure you will see in bold writing the negative aspects of my career. I plead with you to review my presentation materials and take into account the fact the positive aspects of my career that made me proud to serve in the United States Air Force, outweigh the negative by far and despite my mistakes resulting from poor judgment; my service to my Country and the United States Air Force was Loyal, Devoted and Honorable.

8. Thank you for your time and personal consideration.



Attachments:



1. Copy of Msgt: [redacted] character statement-9 December 2004
2. Copy of Msgt: [redacted] character statement-9 December 2004
3. Copy of Tsgt [redacted] character statement-7-December 2004
4. Copy of Ssgt [redacted] character statement- UNDATED
5. Copy of Ssgt [redacted] character statement-UNDATED
6. Copy of Sra [redacted] character statement- UNDATED
7. Copy of AF 910 Enlisted performance report-25 March 2004
8. Copy of AF 910 Enlisted performance report-12 March 2003
9. Copy of AF 910 Enlisted performance report-12 March 2002
10. Copy of Area Defense Counsel attorney Response to article 15-21 October 2004
11. Copy of Area Defense Counsel attorney Response to article 15-21 October 2004
13. Copy of notification memorandum of intent to discharge-6 December 2004
14. Copy of notification memorandum of intent to discharge-6 December 2004



DEPARTMENT OF THE AIR FORCE
22D MAINTENANCE SQUADRON (AMC)
MCCONNELL AIR FORCE BASE, KANSAS

FD2005-00436

MEMORANDUM FOR A1C [REDACTED]

6 DEC 04

FROM: 22 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Pattern of Misconduct, in accordance with AFPD 36-32 and AFI 36-3208, paragraph 5.50.1. If my recommendation is approved, your service may be characterized as either honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

- a. On 7 October 2004, you failed to go at the time prescribed to your appointed place of duty. For this misconduct you received an Article 15, dated 27 October 2004.
- b. On 8 October 2004, due to previous overindulgence in alcohol, you were incapacitated for the proper performance of your duties. For this misconduct you received an Article 15, dated 27 October 2004.
- c. On 6 August 2004, you failed to obey your technical orders. For this misconduct you received a Record of Individual Counseling (RIC), dated 9 August 2004.
- d. On 12 June 2004, you engaged in disorderly conduct and domestic violence/battery against your wife. On 21 July 2004, the Municipal Court of Wichita, Kansas found you guilty of these offenses and sentenced you to complete alcohol treatment classes and counseling, as well as a fine of \$500.00.
- e. On 22 March 2004, you wrongfully drove your vehicle under the influence of alcohol in the city of Wichita, Kansas, your second DUI offense. On 4 August 2004, the Municipal Court of Wichita, Kansas found you guilty and sentenced you to 12 months of confinement, with probation, and a fine of \$1,000.00.
- f. On 28 July 2001, you were cited by personnel from the Wichita Police Department for domestic violence battery and disorderly conduct. For these offenses, you were sentenced to pay a fine.
- g. On 20 January 2001, you were cited by a Sedgwick County Sheriff for fail to maintain/no driver's license in possession, no proof of insurance and Driving Under the Influence. For these offenses Sedgwick County Court sentenced you to \$500.00 fine, six months in jail with one year probation, 100 hours of community service, and a \$500 fine.

- h. On 20 December 2000, you failed to report for duty on time. For this misconduct you received a RIC dated 20 December 2000.
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. You are ineligible for reenlistment in the Air Force if your discharge is approved.
 4. You have the right to consult military counsel. Military legal counsel will be made available to assist you, at no expense to you. I have made an appointment for you to consult with the Area Defense Counsel (ADC) at McConnell AFB, Kansas, on 6 Dec 04 at 1600 hours. You can contact the ADC at ext. 4375. You may consult with civilian counsel at your own expense.
 5. You have the right to submit matters in your own behalf. Any statements you want the separation authority to consider must reach me by 9 Dec at 1530 hours unless you request and receive an extension for good cause shown. Any matters and statements you submit will be forwarded 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 **mandatory** medical appointment. You are to report to the 22d Medical Squadron, Physical Exams Section, on 8 Dec 04 at 0845 hours.
Public health
 8. If you live in base housing, you must contact the housing office immediately upon receipt of this notification.
 9. 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 your squadron orderly room.
 10. Execute the attached acknowledgment and return it to me immediately.

[Signature Line]

Commander

Attachments:

1. Receipt of Notification Memorandum
2. Statement of Understanding
3. Identification Card Retrieval Letter

4. Municipal Court disposition document
5. AF Form 3070, dated 27 Oct 04(3 pages)
6. Barment letter, dated 23 Mar 04 (3 pages)
7. Wichita Municipal Court Document, dated 15 Apr 04(2 pages)
8. Wichita Municipal Court Document, dated 21 Jul 04(4 pages)
9. Record of Individual Counseling, dated 9 Aug 04
10. AF Form 3545, dated 21 Jan 01
11. Record of Individual Counseling, dated 20 Dec 04
12. Sedgwick County Traffic record, dated 1 Dec 04
13. Wichita Traffic Record, dated 1 Dec 04