

# 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>AMN</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> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"><b>X</b></td> </tr> </table>		YES	No		<b>X</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>  		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>  																											
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<b>MEMBER SITTING</b>  <div style="border: 1px dashed black; height: 150px; width: 100%;"></div>				<b>VOTE OF THE BOARD</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">HON</td> <td style="width: 15%;">GEN</td> <td style="width: 15%;">UOTHC</td> <td style="width: 15%;">OTHER</td> <td style="width: 15%;">DENY</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> </table>		HON	GEN	UOTHC	OTHER	DENY					X					X					X					X					X
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<b>HEARING DATE</b> <b>10 Aug 2006</b>		<b>CASE NUMBER</b> <b>FD-2005-00440</b>																																	
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>																																			
<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>																																			
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<b>INDORSEMENT</b>			<b>DATE: 8/11/2006</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																																

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2005-00440</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDINGS:</b> Upgrade of discharge is denied.</p> <p>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.</p> <p><b>ISSUE:</b></p> <p>Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received three Article 15's for misconduct. The first Article 15 was for leaving the scene of an accident. His punishment was suspended reduction in grade to airman and forfeiture of pay. His second Article 15 was for derelict in the performance of duties in that he failed to refrain from providing alcoholic beverages to persons under the age of 21, and for being disorderly. He received a suspended reduction in grade to airman first class, forfeiture of pay, and restriction to Minot AFB for 45 days. His third and final Article 15 was for driving under the influence of alcohol and wrongful use of marijuana. As a result, he was reduced in grade to airman. 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.</p> <p>Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.</p> <p><b>CONCLUSIONS:</b> 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

(Former AMN) (HGH SRA)

MISSING DOCUMENTS AND MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Minot AFB, ND on 9 Jun 97 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Jul 73. Enlmt Age: 18 8/12. Disch Age: 23 10/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 3C031 - Radio Communications Systems Apprentice. DAS: 22 Sep 94.

b. Prior Sv: (1) AFRes 27 Mar 92 - 18 May 92 (1 month 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 May 1992 for 6 yrs. Svd: 05 Yrs 00 Mo 22 Das, all AMS.

b. Grade Status: Amn - 1 Apr 97 (Article 15, 1 Apr 97)  
SrA - Unknown.  
A1C - Unknown.

c. Time Lost: None.

d. Art 15's: (1) 1 Apr 97, Minot AFB, ND - Article 111. You did, on or about 20 Mar 97, on Highway 83 physically control a vehicle, to wit: a passenger car, while impaired by 0.10 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. Article 112a. You did, on divers occasions between on or about 1 Nov 96 to on or about 30 Nov 96, wrongfully use marijuana. Reduction to Airman. (No appeal) (No mitigation)

(2) 25 Mar 97, Minot AFB, ND - Article 92. You, who knew of your duties, on or about 19 Feb 97, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcoholic beverages to persons under the age of twenty-one years, as it was your duty to do. Article 134. You, were, on or about 19 Feb 97, disorderly. Suspended reduction to A1C. Forfeiture of \$75.00 pay per month for 2 months, and restriction to Minot AFB, ND for 45 days. (No appeal) (No mitigation)

(3) 29 Mar 94, RAF Croughton, UK - Article 134. You, the

driver of a privately owned vehicle at the time of an accident in which said vehicle was involved, and having knowledge of said accident, did, on or about 8 Mar 94, wrongfully leave the scene of the accident without making your identity known. Suspended reduction to Airman. Forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: Unknown.

h. Awards & Decs: AFLSAR, AFTR, NDSM, AFOSLTR.

i. Stmt of Sv: TMS: (05) Yrs (02) Mos (13) Das  
TAMS: (05) Yrs (00) Mos (22) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 10 Nov 05.  
(Change Discharge to Honorable)

Issue 1: In order to utilize VA educational benefits.

ATCH

None.

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