

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 	GRADE SRA	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	UOTHC	OTHER	DENY
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A95.00 A01.00	INDEX NUMBER A69.00	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 HE

HEARING DATE 02 Nov 2006	CASE NUMBER FD-2006-00049	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT	DATE: 11/13/2006
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 FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00049

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received a general discharge for Failure in an Alcohol Abuse Treatment Program. He received a Letter of Reprimand and two Memorandums for Record for misconduct. He was administratively disciplined with a Letter of Reprimand for a civil arrest whereas he was charged with driving under the influence. The two Memorandums for Record were for failures in the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program. The records indicated the applicant was fully aware that ADAPT program failure would result in an administrative separation from the Air Force. 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.

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 USAF Shaw AFB, SC on 19 Apr 05 UP AFI 36-3208, para 5.32 (Failure in Alcohol Abuse Treatment). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 17 Feb 81. Enlmt Age: 19 9/12. Disch Age: 24 2/12. Educ: HS DIPL. AFQT: N/A. A-61, E-50, G-66, M-38. PAFSC: 1C052 - Operations Resource Management Journeyman. DAS: 20 Oct 01.

b. Prior Sv: (1) AFRes 5 Dec 00 - 12 Mar 01 (3 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Mar 01 for 6 yrs. Svd: 04 Yrs 01 Mo 08 Das, all AMS.

b. Grade Status: SrA - 27 Aug 03
A1C - 27 Apr 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MFR, 28 MAR 05 - ADAPT Program failure.
LOR, 03 MAR 05 - Civil arrest for DUI.
MFR, 23 SEP 03 - ADAPT Program failure.

f. CM: None.

g. Record of SV: 13 Mar 01 - 15 Oct 02 Shaw AFB 3 (HAF Dir)
16 Oct 02 - 27 May 03 Shaw AFB 5 (CRO)
28 May 03 - 27 May 04 Shaw AFB 4 (Annual)

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

i. Stmt of Sv: TMS: (04) Yrs (04) Mos (15) Das
TAMS: (04) Yrs (01) Mos (08) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Apr 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Response to Notification of Administrative Separation.

20MAR06/ia



DEPARTMENT OF THE AIR FORCE
20TH FIGHTER WING (ACC)
SHAW AIR FORCE BASE SOUTH CAROLINA

11 Apr 2005

MEMORANDUM FOR SENIOR AIRMAN [redacted]

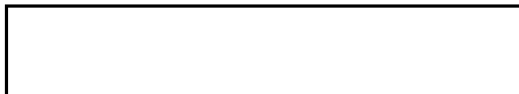
FROM: 77 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure in alcohol abuse treatment. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section F, paragraph 5.32. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. My reasons for this action is that on 12 Apr 02, you were enrolled into the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program for a civilian charge of driving under the influence and subsequently diagnosed with alcohol abuse on 19 Jun 02. Although you successfully completed the ADAPT program on 21 Feb 03, you punched another airman in the face while intoxicated, which resulted in a program failure on 13 Oct 03. However, your prior commander opted against administrative separation and recommended enrollment into the Three-River Intensive Outpatient Program, which you successfully completed.
3. On 5 Feb 05, you were arrested for driving under the influence of alcohol. After your arrest, Capt [redacted], a clinical psychologist assigned to the 20th Medical Group, changed your diagnosis from Alcohol Abuse to Alcohol Dependence. For this reason, along with your inability to learn from two empirically validated treatment programs, and your total disregard for the seriousness of your drinking problem, you have again failed the ADAPT program. Consequently, Capt [redacted] has deemed you unsuitable for continued military service based on the diagnosis of Alcohol Dependency.
4. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial 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 reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.
5. 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 [redacted] Area Defense Counsel, 895-9530, 321 Cullen Street, at 0930 hours on 11 Apr 2005. You may consult civilian counsel at your own expense.

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6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 0830 hours on 14 Apr 05 2005 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. 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.
8. You have been scheduled for a medical examination. You must report to the 20th Medical Group, Primary Care Clinic at 1430 hours on 8 Apr 2005 and an additional examination will be scheduled if necessary.
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 the unit orderly room.
10. Execute the attached acknowledgment and return it to me immediately.



Commander

Attachments:

a. Supporting Documents

1. ADAPT program failure letter, dated 28 Mar 05
2. LOR dated 3 Mar 05 w/ report of investigation, dated 6 Feb 05
3. ADAPT program failure letter, dated 23 Sep 03
4. Report of investigation, dated 11 Apr 02