

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---	------------------------	---

TYPE	GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTIC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.21 A93.01 A94.05 A92.17	INDEX NUMBER A66.00	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 25 Jan 2007	CASE NUMBER FD-2006-00048	
------------------------------------	-------------------------------------	--

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.

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-2006-00048

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:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and four Letters of Reprimand for misconduct. The applicant received an Article 15 for previous overindulgence of intoxicating liquor, which resulted in applicant being incapacitated for proper duty performance. He was punished with a reduction in grade to Airman Basic. He received a Letter of Reprimand for marijuana use which led to his discharge action. He had further misconduct in which he was administratively disciplined for failure in alcohol abuse treatment, and failure to go. 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. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Issue 4. Applicant contends that he should not be penalized indefinitely for a mistake he made when he was young and immature. The DRB recognized the applicant was 20 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 AB) (HGH A1C)

MISSING MPR AND SMR

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Keesler AFB, MS on 8 Aug 01 UP AFI 36-3208, para 5.54 (Misconduct - Drug Abuse). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Nov 80. Enlmt Age: 17 4/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-69, E-85, G-76, M-81. PAFSC: 2A551L - Aerospace Maintenance Journeyman. DAS: 19 Aug 00.

b. Prior Sv: (1) AFRes 28 Mar 98 - 15 Sep 98 (5 months 19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Sep 98 for 4 yrs. Svd: 02 Yrs 10 Mo 23 Das, all AMS.

b. Grade Status: AB - 11 Jun 01 (Article 15, 11 Jun 01)
A1C - 17 Jan 00
Amn - 17 Mar 99

c. Time Lost: None.

d. Art 15's: (1) 11 Jun 01, RAF Mildenhall, UK - On or about 27 May 01, as a result of previous overindulgence in intoxicating liquor, you were incapacitated for the proper performance of your duties. Reduction to AB. (Document missing from file). (No appeal) (No mitigation)

e. Additional: (Examiner's Note: The following documents are missing from the file)

UIF/LOR, 03 JUL 01 - Marijuana use.

UIF/LOR, 14 JUN 01 - Failure in Alcohol Abuse Treatment.

UIF/LOR, 24 MAY 01 - Failure to go.

LOR, 04 OCT 00 - Consumed alcoholic beverages prior to reporting for duty, late for duty on 3 Oct 00 and missed an appointment.

f. CM: None.

f. Record of SV: Examiner's Note: The following documents are missing from the file).

16 Sep 98 - 15 May 00 Fairchild AFB 5 (Initial)

16 May 00 - 15 May 01 RAF Mildenhall 4 (Annual)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (12) Das
TAMS: (02) Yrs (10) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 23 Jan 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Four Character References.
3. 92 AGS/SGF MX Customer Feedback.
4. School Transcript.
5. Two Training Certificates.
6. SAF/MRBR Correspondence.
7. DD Form 214.
8. Notification Memorandum.

26JUN06/ia

JAN 30 2006

FD-2006-00 48

**APPLICATION FOR THE REVIEW OF DISCHARGE
FROM THE ARMED FORCES OF THE UNITED STATES**
(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

*Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006*

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Service and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C.1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)		ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME-Last-First-Middle-Initial			c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER	
			E-1			
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (if date is more than 15 years ago, submit a DD Form 149)		4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)		
20010808		<input checked="" type="checkbox"/> HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE		
		<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS		
		UNDER OTHER THAN HONORABLE CONDITIONS		CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)		
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION		BAD CONDUCT (Special court-martial only)		CHANGE NARRATIVE REASON FOR SEPARATION TO:		
100 ms (USAFE)		UNCHARACTERIZED				
		OTHER (Explain)				

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

my Ability to serve was Impaired by my youth and Immaturity my Average conduct and efficiency Ratings/Behavior and Proficiency marks were good.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

FOUR CHARACTER REFERENCES and EDUCATIONAL ACHIEVEMENTS

9. TYPE OF REVIEW REQUESTED (X one)

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state). (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)		b. TELEPHONE NUMBER (Include Area Code)
		c. E-MAIL
		d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. SIGNATURE-REQUIRED (Applicant or person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD)	CASE NUMBER (Do not write in this space.)
	20060123	

FD2006-0048

FD2006-00248



To whom it may concern:

After being discharged I returned home to Mobile, Al and took a month off to realize what had happened and where my life was headed. I got a job with Advance Auto Parts as a merchandiser. The team I was assigned to was hired to remodel Discount Auto Parts stores all over the south when Advance bought them out. I worked for the corporate office and was hoping this would be a good career move for me. After one year the corporate office decided to do away with the merchandising team from Mobile. No corporate positions were available at that time. So I decided to go another route and enrolled in the Commercial Drivers Training Academy, Inc in Grand Bay, Al. I received my commercial driving license after two months and began working for a local distribution company. Around that time I had met: (my wife), a nursing student at the University of South Alabama. After a year and six months we were married and wanted to get out of mobile: helped me see that I could be so much more in life than I thought I ever could. We then moved to Nashville, TN where I enrolled in an Auto Body repair course at the Nashville Auto-Diesel College. I received my diploma in Collision Repair and Refinishing Technology on May 20, 2005. I currently work for Miracle Method of Nashville, a national franchise specializing in tub and tile refinishing. and I am expecting our first child in June 2006. I've grown a lot in the past four years since my discharge and had time to look back and see myself the way I was. I'm disappointed in my actions of immaturity and what I took away from the Air Force, but the lessons I've learned will last forever and continue to help me improve my life. Joining the Air Force was the best decision I ever made. It taught me so much about life and the meaning of friendship. Now I see that it takes a special type of person to dedicate your heart and soul to the military. Some people have it, some do not. I never had the chance to determine if I had it. My selfishness and immaturity got in the way of what could have been one of the most satisfying careers.



Sincerely,
Thank you for time and consideration,



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 100TH AIR REFUELING WING (USAFE)

FD2006-00048

MEMORANDUM FOR AB: [REDACTED]
100th Maintenance Squadron

FROM: 100 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Failure in Alcohol Abuse Treatment and Misconduct - Drug Abuse. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.32 and paragraph 5.54. If my recommendation is approved, your service will 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. Regarding your Failure in Alcohol Abuse Treatment, on or about 12 June 2001 you failed to complete the alcohol and drug abuse prevention and treatment (ADAPT) program. As a result, you received a Letter of Reprimand dated 14 June 2001. This action was placed in your existing Unfavorable Information File (UIF).

b. Regarding your Misconduct - Drug Abuse, on or about 3 July 2001 investigation revealed that you used marijuana on at least one occasion. As a result, you received a Letter of Reprimand dated 3 July 2001. This action was placed in your existing UIF.

3. In addition, the following information was used in deciding what discharge characterization to recommend:

a. On or about 4 October 2000, you consumed alcohol beverages prior to reporting for duty. In addition, on or about 3 October 2000, you were late for duty. Furthermore, on or about 5 September 2000, you missed an appointment. As a result, you received a Letter of Reprimand dated 4 October 2000.

b. On or about 18 May 2001, you failed to report for duty on time. As a result, you received a Letter of Reprimand date 24 May 2001. An Unfavorable Information File (UIF) was established.

c. On or about 27 May 2001, as a result of previous overindulgence in intoxicating liquor, you were incapacitated for the proper performance of your duties. As a result of this incident, you received nonjudicial punishment under Article 15, UCMJ, on 11 June 2001. Your punishment consisted of a reduction to the grade of Airman Basic (E-1). This action was placed in your existing UIF.

4. 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 reenlistment in the Air Force.

FD 2006-00048

5. You have the right to counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt. _____; Area Defense Counsel, at building 976, RAF Lakenheath, DSN 226-3608 on Thursday, 12 July 2001 at 0900 hours. You may consult civilian counsel at your own expense.
6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three (3) workdays unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. If you fail 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 Separations Briefing. Please report to Building 436, Room 205, RAF Mildenhall, DSN 238-5322 on Monday, 16 July 2001 at 0800 hours.
9. You have been scheduled for a medical examination. You must report, with your medical records, to Building 926, RAF Lakenheath, Family Practice, on Thursday, 19 July 2001 at 1600 hours, then proceed to the Physical Exams Section. You must be in uniform. Also, if you have been prescribed glasses, you must wear your glasses to the appointment.
10. 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 at the unit orderly room or the Area Defense Counsel office.

Commander

Attachments:

1. Airmen's Receipt of Notification Memorandum
2. Letter of Reprimand, dtd 14 Jun 01 w/UIF
3. Memorandum from 48 MDOS, dtd 12 Jun 01
4. Letter of Reprimand, dtd 3 Jul 01 w/UIF
5. Letter of Reprimand, dtd 4 Oct 00
6. Letter of Reprimand, dtd 24 May 01 w/UIF
7. Record of Nonjudicial Punishment, dtd 11 Jun 01 w/UIF