

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%; margin-top: 5px;"></div>	GRADE A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>
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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 dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A94.05	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:20px; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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
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HEARING DATE 08 Feb 2007	CASE NUMBER FD-2006-00177	
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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.

<p align="center">DORSEMENT</p> <p>TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</p>	<p align="right">DATE: 2/12/2007</p> <p>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</p>
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00177

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 contends discharge was inequitable because it was too harsh after serving 42 months of exemplary service. The records indicated the applicant received an Article 15, a Letter of Reprimand, and a Record of Individual Counseling for misconduct. The applicant received an Article 15 for driving under the influence of alcohol. He was reduced in grade to Airman First Class, suspended forfeiture of pay for two months, fifteen days of extra duty, and a reprimand. He was administratively disciplined for dereliction of duty and a civilian conviction for driving under the influence of alcohol. 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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Minot AFB, ND on 8 Jul 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Apr 78. Enlmt Age: 23 4/12. Disch Age: 27 2/12. Educ: HS DIPL. AFQT: N/A. A-95, E-91, G-97, M-91. PAFSC: 2F051 - Fuels Journeyman. DAS: 28 Jun 04.

b. Prior Sv: (1) AFRes 17 Sep 01 - 10 Dec 01 (2 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 11 Dec 01 for 6 yrs. Svd: 03 Yrs 06 Mo 28 Das, all AMS.

b. Grade Status: A1C - 22 Jun 05 (Article 15, 22 Jun 05)
SrA - 11 Apr 04

c. Time Lost: None.

d. Art 15's: (1) 22 Jun 05, Minot AFB, ND - Article 111. You did, on or about 26 May 05, on Golf Drive next to the Medical Treatment Facility physically control a vehicle, to wit: Chevrolet Blazer while the alcohol concentration in your blood was 0.10 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. Reduction to A1C. Suspended forfeiture of \$250.00 pay per month for 2 months. Fifteen days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: CR, 04 MAR 05 - Misconduct.
LOR/UIF, 01 MAR 05 - Civil conviction for actual physical control.
RIC, 22 SEP 04 - Dereliction of duty.

f. CM: None.

g. Record of SV: 11 Dec 01 - 15 Jul 03 Spangdahlem AF 5 (HAF Dir)
16 Jul 03 - 01 May 04 Spangdahlem AF 4 (CRI)REF
02 May 04 - 01 May 05 Minot AFB 2 (Annual)REF

h. Awards & Decs: NDSM, AFTR, AFEM, GWOTSM, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (09) Mos (22) Das
TAMS: (03) Yrs (06) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 03 May 06.
(Change Discharge to Honorable)

Issue 1: I feel all of the reasoning behind my discharge is accurate and well documented. However, I feel that my exemplary service of 42 months does not simply warrant a general/under honorable conditions characterization. Perhaps a more thorough review of all awards and recognition will justify upgrading to an honorable discharge.

ATCH

1. Three Certificates of Appreciation.
2. Armed Forces Expeditionary Medal.
3. Superior Performance Certificate.
4. Certificate of Appreciation.
5. Five Training Certificates.
6. Certificate of Achievement.

06JUL06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 5th BOMB WING (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

PD 2006-00 (77)

27 June 2005

MEMORANDUM FOR A1C: [REDACTED] 5 LRS

FROM: 5 LRS/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.49

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFDP 36-32, *Military Retirements and Separations*, 14 Jul 93, and AFI 36-3208, *Administrative Separation of Airmen*, 9 Jul 04, Chapter 5, Section H, Paragraph 5.49. I am recommending your discharge be characterized as general. If my recommendation is followed, you will be ineligible for reenlistment in the Air Force.

2. My reasons for the action are:

a. You did, at or near Minot Air Force Base, North Dakota, on or about 26 May 05, on Golf Drive next to the Medical Treatment Facility, physically control a vehicle, to wit: Chevrolet Blazer while the alcohol concentration in your blood was 0.10 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. For this misconduct, you were punished under Article 15 of the UCMJ on 22 Jun 05.

b. On 23 Feb 05, you were convicted by a local court of actual physical control of a vehicle while intoxicated. You were ordered to pay \$325 in fines and court fees, 5 days in jail (which was suspended), required to have an alcohol evaluation, and attend a DUI seminar. You received a Letter of Reprimand (LOR) on 1 Mar 05. An Unfavorable Information File (UIF) was established, and you were added to a control roster.

c. On 21 Sep 04, you were dispatched to the helicopter pad to refuel helicopter tail #69006606. You ran over the base of the detour road sign. After returning to the yard a large scrape was discovered on the vehicle. Although it was not known whether the scrape was caused by running over the detour sign, you did fail to inspect the refueling unit prior to operating it. You received a Record of Individual Counseling (RIC) on 22 Sep 04.

3. The Letter of Notification with attachments will be forwarded to the separation authority in support of this recommendation. The commander exercising Special Court Martial jurisdiction (5 BW/CC) 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.

4. 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] at the Area Defense

Counsel Office, Bldg 475, Room 306A on Tuesday, 28 Jun 05 at 1000 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 by 1530 hours on 30 Jun, 2005, unless you request and receive an extension for good cause. I will send any statements you provide to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to the 5th Medical Group Hospital, 10 Missile Avenue on Tuesday, 5 Jul 05 at 0840 hours, for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.

8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.

9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.



Commander, 5th Logistic Readiness Squadron

Attachments:

- 1. Receipt of Letter of Notification
- 2. Statement of Understanding
- 3. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 22 Jun 05
- 4. Letter of Reprimand, 8 Mar 05
- 5. AF Form 1058, Unfavorable Information File Action, 4 Mar 05