

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AMN

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

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

X**

X**

X**

X**

X**

ISSUES

A94.05
A93.21

INDEX NUMBER

A67.90

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

20 Feb 2007

CASE NUMBER

FD-2006-00232

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.

* Reason and Authority

+ Reenlistment Code

ENDORSEMENT

DATE: 2/22/2007

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

FD-2006-00232

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

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, change of reason and authority for discharge, and change of reenlistment code are 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: Although not explicitly stated, applicant contends his discharge was too harsh. He contends his disciplinary actions were as a result of his medical condition. He has expressed a desire for upgrade of his discharge to allow for reenlistment into the armed forces. The records indicated the applicant received an Article 15, a Vacation, two Letters of Reprimand, and two Records of Individual Counseling for misconduct. He received an Article 15 for failure to go to appointed place of duty, driving under the influence of alcohol, and as a result of his overindulgence of alcohol, he was incapacitated for the performance of duties. He was punished with a reduction in grade to Airman Basic with reduction below Airman suspended and forfeiture of pay. He received a Vacation action for failure to go to appointed place of duty and for previous overindulgence of alcohol resulting in failure to perform duties. He was reduced in grade to Airman Basic. He had additional misconduct and was administratively disciplined for failure to go and dereliction of duty. The DRB opined that although the applicant was being treated for hyperthyroidism, it did not impair his ability to know right from wrong or ability to choose the right. 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Luke AFB, AZ on 26 Jul 04 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 29 May 82. Enlmt Age: 18 4/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-50, E-58, G-53, M-69. PAFSC: 3E751 - Fire Protection Journeyman. DAS: 4 Mar 02.

b. Prior Sv: (1) AFRes 20 Oct 00 - 20 Aug 01 (10 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Aug 01 for 4 yrs. Svd: 02 Yrs 11 Mo 06 Das, all AMS.

b. Grade Status: AB - 20 Jan 04 (Vacation of Article 15, 18 Jun 04)
Amn - 20 Jan 04 (Article 15, 20 Jan 04)
A1C - 05 Oct 01

c. Time Lost: None.

d. Art 15's: (1) 18 Jun 04, Vacation, Luke AFB, AZ - Article 86. You, did, at or near Luke Air Force Base, Arizona, on or about 12 June 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building #450. Article 134. You, were, at or near Luke Air Force Base, Arizona, on or about 12 June 2004, as a result of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of your duties. Reduction to the grade of Airman (Should be reduction to AB as Airman was already reduced to Airman. Previous suspended punishment was reduction to AB). Forfeiture of \$250.00 pay. (No appeal) (No mitigation)

(2) 20 Jan 04, Luke AFB, AZ - Article 86. You, did, at or near Luke Air Force Base, Arizona, on or about 6 December 2003, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building #450. Article 111. You, did at or near Luke Air Force Base, Arizona, on or about 6 December 2003, at the intersection of Eagle Street and Fighter Country Avenue physically control a vehicle, to wit: a Jeep,

while the alcohol concentration in your breath was 0.109 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Article 134. You, were, at or near Luke Air Force Base, Arizona, on or about 6 December 2003, as a result of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of your duties. Reduction to the grade of Airman Basic, with reduction below Airman suspended. Forfeiture of \$350.00 pay. That portion of the forfeitures in excess of \$250.00 pay per month is suspended. (No appeal) (No mitigation)

- e. Additional: (The following documents are listed on the Notification Memorandum, but are missing from the file).

RIC, 25 APR 04 - Failure to go.
 LOR, 27 FEB 04 - Dereliction of duty.
 LOR, 04 SEP 02 - Dereliction of duty.
 RIC, 11 APR 02 - Failure to go.

- f. CM: None.

- g. Record of SV: 21 Aug 01 - 20 Apr 03 Luke AFB 4 (Initial)
 21 Apr 03 - 20 Apr 04 Luke AFB 3 (Annual)

- h. Awards & Decs: AFAM, NDSM, AFTR, AFOUA W/VALOR W/1 OLC.

- i. Stmt of Sv: TMS: (03) Yrs (09) Mos (07) Das
 TAMS: (02) Yrs (11) Mos (06) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 06 Jun 06.
 (Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. VA Rating Decision
3. DD Form 214.

02OCT06/ia

14. CONTINUATION OF ITEM 6. ISSUES (If applicable)

In 2003, I was diagnosed with hypothyroidism. This condition causes both physical and psychological changes. Unaware of the condition, I began to drink alcohol because my body was changing and feeling very uncomfortable. At some point, I got a little out of control and was placed on charge for disciplinary action. I was awarded a General (Under Honorable Conditions) discharge on July 26, 2004. I continued to get treatment for my condition through the Veterans Administration hospital at American Lake, WA. Now, I have been leveled out emotionally, I have lost some of the weight I had put on because of the disease and I have quit drinking. I am requesting an upgrade of my discharge because of its medical nature so that I may join the U.S. Air Force Reserves. I have served my country proudly and I wish to continue to do so in some fashion. I hope you will honor my request and I give you my solemn oath to be the finest Airman I can possibly be. Thank you.

15. CONTINUATION OF ITEM 8. SUPPORTING DOCUMENTS (If applicable)

Approximately six months before I was released from the U.S. Air Force, I was diagnosed with hypothyroidism. This condition had existed for some time before I was diagnosed. I believe this condition and the unusual and uncertain chemical changes in my mind and in my body are the root of the problem I had with discipline and alcohol abuse. Since beginning treatment (.2 mg Synthroid), I have level out emotionally. I have stopped drinking all together. I have time now to understand that my drinking issue should never have been let go so long as to impact my work. I made that mistake and I own it, but I truly believe that I can move on from that now and be a good Airman in the U.S. Air Force Reserves. I want to have that challenge and that opportunity to excel. Before my hypothyroidism, I was a very good Airman. I was dedicated and professional. My job skills were noted as very good even in my discharge hearing. I have volunteered at a nursing home in Puyallup, WA, and I am volunteer fire fighter and testing to become a full time firefighter.

16. REMARKS (If applicable)**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.****ARMY**

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 308 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593



DEPARTMENT OF THE AIR FORCE
56TH CIVIL ENGINEER SQUADRON
LUKE AFB, ARIZONA 85309

FD 2006-00732

MEMORANDUM FOR AB [REDACTED]

JUL 7 2004

FROM: 56 CES/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On or about 12 Jun 04, you failed to go at the time prescribed to your appointed place of duty and you were incapacitated for the proper performance of your duties as a result of wrongful previous overindulgence in intoxicating liquor. For this misconduct, you received a Vacation of Suspended Nonjudicial Punishment, dated 18 Jun 04. Your punishment included reduction to the grade of Airman Basic and forfeiture of \$250.00. This action was filed in your Unfavorable Information File (UIF).

b. On or about 25 Apr 04, you failed to go to your appointed place of duty at the prescribed time. For this misconduct, you received a Record of Individual Counseling, dated 25 Apr 04.

c. On or about 7 Feb 04, you were derelict in the performance of your duties. For this misconduct, you received a Letter of Reprimand, dated 27 Feb 04.

d. On or about 6 Dec 03, you failed to go to your appointed place of duty at the prescribed time, you were driving under the influence of alcohol and incapacitated for the proper performance of your duties as a result of wrongful previous overindulgence in intoxicating liquor or drugs. For this misconduct, you received an Article 15, dated 20 Jan 04. Your punishment included reduction to the grade of Airman Basic with reduction below Airman suspended until 19 July 2004 and forfeiture of \$350.00. That portion of the forfeitures in excess of \$250.00 of your pay per month is suspended until 19 Jul 04. This action established your Unfavorable Information File (UIF).

e. On or about 22 Aug 02, you were derelict in the performance of your duties. For this misconduct, you received a Letter of Reprimand, dated 4 Sep 02.

f. On or about 11 Apr 02, you failed to go to your appointed place of duty at the prescribed time. For this misconduct, you received a Record of Individual Counseling, dated 11 Apr 02.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

3. 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: _____ at 7383 N. Litchfield Rd., Bldg. 1150, ext 6701, on 8 JUL 2004 at 0900 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 12 JUL 2004, 1500 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must retrieve your medical records from 56th Medical Group Hospital Outpatient Records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this discharge file for the medical examination.

7. 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 unit's orderly room.

8. Execute the attached acknowledgment and return it to me immediately.

Commander

Attachments:

1. Supporting Documents

- a. Vacation of Suspended Nonjudicial Punishment, dated 18 Jun 04
- b. Record of Individual Counseling, dated 25 Apr 04
- c. Letter of Reprimand, dated 27 Feb 04
- c. Article 15, dated 20 Jan 04
- d. Letter of Reprimand, dated 4 Sept 02
- e. Record of Individual Counseling, dated 11 Apr 02

2. Receipt of Notification Memorandum