

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 AB	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		
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X

ISSUES A93.23 A93.19 A93.09	INDEX NUMBER A67.10	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 30 Jan 2007	CASE NUMBER FD-2006-00244
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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.

INDORSEMENT	DATE: 2/15/2007
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

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.

ISSUES:

Applicant contends discharge is inequitable because it was based on several incidents of shortcomings due to alcoholism, depression, and family emergencies. He stated that he had no support from his organization. The records indicated that the applicant received two Article 15's, a Letter of Reprimand, and a Letter of Counseling for misconduct. The first Article 15 was for failure to go to his appointed place of duty and overindulgence of intoxicating liquor causing the applicant to be incapacitated for the performance of duties. He was punished with a suspended reduction in grade to Airman Basic and 21 days of extra duty. The second Article 15 was for failing to refrain from using the government telephone personal identification number to make unauthorized personal telephone calls. He was reduced in grade to Airman Basic. He had additional misconduct and was administratively disciplined for failure to complete mandatory training, failure to obey a lawful order, and failure in the weight management program. In review of the record, the board did not find any evidence showing that the unit knew about the difficulties the applicant was battling until after first Article 15. The applicant admitted that he had family issues and struggled with alcohol and agreed to be institutionalized at Estes Park Harmony Foundation for 28 days. Unfortunately, the applicant's medical records were not available for review by the board. Lacking any documentation to prove otherwise, the Board relies on the presumption of regularity and finds the discharge was proper. The Board concluded that 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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Buckley AFB, CO on 20 Dec 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Mar 79. Enlmt Age: 22 1/12. Disch Age: 25 9/12. Educ: HS DIPL. AFQT: N/A. A-51, E-59, G-50, M-44. PAFSC: 4A151 - Medical Material Journeyman. DAS: 11 Sep 01.

b. Prior Sv: (1) AFRes 13 Apr 01 - 22 May 01 (1 month 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 May 01 for 4 yrs. Svd: 03 Yrs 06 Mo 28 Das, all AMS.

b. Grade Status: AB - 6 Dec 04 (Article 15, 6 Dec 04)
Amn - 23 Nov 01

c. Time Lost: None.

d. Art 15's: (1) 6 Dec 04, Buckley AFB, CO - Article 92. You, who knew of your duties, on divers occasions, between on or about 5 Apr 04 and on or about 9 Nov 04, were derelict in the performance of those duties in that you willfully failed to refrain from using your government telephone personal identification number to make unauthorized personal telephone calls, as it was your duty to do. Reduction to AB. (No appeal) (No mitigation)

(2) 22 May 04, Buckley AFB, CO - Article 86. You, did, on or about 5 Feb 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 460th Medical Squadron at Aurora North, located at 830 Potomac Circle, Suite 105, Aurora, Colorado. Article 134. You, were, on or about 5 Feb 04, as a result of wrongful previous overindulgence in intoxicating liquor or drugs, incapacitated for the proper performance of your duties. Suspended reduction to AB. Twenty-one days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 27 AUG 03 - Failure to complete mandatory training, and failure to obey a lawful order.
LOC, 05 JAN 04 - Failure in the weight management program,

and failure to obey lawful orders.

f. CM: None.

g. Record of SV: 23 May 01 - 23 Jan 03 Buckley AFB 3 (Initial)REF
24 Jan 03 - 22 Mar 04 Buckley AFB 2 (Annual)REF

h. Awards & Decs: NDSM, AFOUA W/1 OLC.

i. Stmt of Sv: TMS: (03) Yrs (08) Mos (08) Das
TAMS: (03) Yrs (06) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Sep 05.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on several incidents of shortcomings due to my alcoholism, depression and family emergencies. I had no support from the organizations.

ATCH

1. Written Presentation to Article 15 Proceedings.
2. Article 15, 6 Dec 04.
3. Article 15, 22 Mar 04.
4. Letter of Counseling, 5 Jan 04.
5. Letter of Reprimand, 27 Aug 03.

23AUG06/ia



DEPARTMENT OF THE AIR FORCE
460TH SPACE WING (AFSPC)

FD2006-00244

DEC 10 2004

MEMORANDUM FOR AB: [REDACTED]

FROM: 460 MDS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. 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 reasons for this action are:

a. You, who knew of your duties at or near Buckley Air Force Base, Colorado, on divers occasions, between on or about 5 April 2004 and on or about 9 November 2004, were derelict in the performance of those duties in that you willfully failed to refrain from using your government telephone personal identification number to make unauthorized personal telephone calls, as it was your duty to do, in violation of Article 92, Uniform Code of Military Justice (UCMJ). For this misconduct you received Nonjudicial punishment, dated 6 December 2004. (Tab 1A)

b. You, did, at Buckley Air Force Base, Colorado, on or about 5 February 2004, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 460th Medical Squadron at Aurora North, located at 830 Potomac Circle, Suite 105, Aurora, Colorado, in violation of Article 86, UCMJ. Additionally, you, were, at or near Buckley Air Force Base, Colorado, on or about 5 February 2004, as a result of wrongful previous overindulgence in intoxicating liquor or drugs, incapacitated for the proper performance of your duties, in violation of Article 134, UCMJ. For this misconduct you received Nonjudicial punishment, dated 22 March 2004. (Tab 1B)

c. On or about 8 December 2003, you signed a contract with Col: [REDACTED] stating you would lose 2 pounds per week. A baseline weight was established on 9 December 2003, at 248 $\frac{3}{4}$ pounds. During your weekly weigh-in on 5 January 2004, your weight registered at 250 pounds, indicating a failure of the above established weight loss goal. You were also instructed to keep a diet log and track all food consumption. You failed to document, on a daily basis, your workouts and dietary consumption. Furthermore, you have admitted to falsifying numbers on the diet log. For these actions you received a Letter of Counseling, dated 05 January 2004. (Tab 1C)

d. On 21 August 2003, it was discovered that you failed to complete the mandatory Squadron Warfit Training. Additionally, you disobeyed a lawful order by your supervisor, SSgt [REDACTED] [REDACTED]; when he told you that you needed to participate. For this misconduct you received a Letter of Reprimand, dated 27 August 2003. (Tab 1D)

3. 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).

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: at 18401 East A-Basin Ave (Stop 41), on 13 DEC 2004, at 0900 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1600 on 15 DEC 2004 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to 1635 N. Ursula St. 5th Floor, Aurora, CO 80045 on 13 DEC 2004, at 1000 hours for the examination.

8. 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 Command Support Staff.

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

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Commander C

Attachments:

1. Supporting Documents
 - a. Nonjudicial Punishment, dtd 6 Dec 04, with attch (6 pgs.)
 - b. Nonjudicial Punishment, dtd 22 Mar 04, with attch (4 pgs.)
 - c. Letter of Counseling, dtd 5 Jan 04, (1 pg.)
 - d. Letter of Reprimand, dtd 27 Aug 04, (2 pgs.)
 - e. Memorandum for Record, dtd 9 Dec 04, (1pg.)
2. Receipt of Notification Memorandum
3. Airman's Statement
4. Recoupment Statement
5. EPRs/LOEs
6. Records Review RIP