

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>
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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 A94.06	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 22 Feb 2007	CASE NUMBER FD-2006-00257	
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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.

+ Reason and Authority
* Reenlistment Code

INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 2/23/2007 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00257

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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received one Article 15 and one Memorandum for Record for misconduct. The misconduct included Alcohol/Drug Abuse Prevention and Treatment Program failure and Driving Under the Influence. 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 Mountain Home AFB, ID on 9 Feb 05 UP AFI 36-3208, para 5.32.1.2.3 (Alcohol Rehabilitation Failure). Appeals for an Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 14 Jul 83. Enlmt Age: 19 5/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-71, E-55, G-48, M-52. PAFSC: 2A632 - Aerospace Ground Equipment Apprentice. DAS: 22 Oct 03.

b. Prior Sv: (1) AFRes 20 Dec 02 - 10 Mar 03 (2 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Mar 03 for 4 yrs. Svd: 01 Yrs 10 Mo 29 Das, all AMS.

b. Grade Status: AB - 13 Dec 04 (Article 15, 13 Dec 04)
A1C - 11 Jul 04
Amn - 11 Sep 03

c. Time Lost: None.

d. Art 15's: (1) 13 Dec 04, Mountain Home AFB, ID - Article 111. You, did, on or about 14 Nov 04, at the Shoppette physically control a vehicle, to wit: a passenger car, while the alcohol concentration in your breath was 0.16 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Reduction to AB, 14 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: MFR, 30 NOV 04 - ADAPT Program Failure.

f. CM: None.

g. Record of SV: 11 Mar 03 - 10 Nov 04 Mountain Home AFB 3 (Initial)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (01) Mos (20) Das
TAMS: (01) Yrs (10) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jun 06.
(Change Discharge to Honorable, and Change the RE Code, Reason for

Discharge)

Issue 1: I would like for my discharge to be changed to an Honorable for the reasons that it is affecting my job chances as a civilian. I was separated due to a dui after I was released from the Walker Center Rehabilitation facility. My discharge papers state drug rehab failure, which lends possible employers to believe that I am an other drugs such as cocaine, marijuana, and many others. I know alcohol is a drug, but a possible employer sees drug as the drugs on the streets and news. Also, I recently found out that I can't enlist in any other service with drug rehab failure on my DD 214. I would like to enter services this time with a better understanding and a better head on my shoulders. If that is not possible than I at least need it succeed (sic) in civilian life. Thank you for your time.

ATCH

None.

08AUG06/ia



DEPARTMENT OF THE AIR FORCE
366TH EQUIPMENT MAINTENANCE SQUADRON (ACC)
MOUNTAIN HOME AFB, IDAHO 83648

FD 2006-00257

19 Jan 05

MEMORANDUM FOR AB [REDACTED]

FROM: 366 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Substance Abuse Treatment Failure: Failure in Alcohol Abuse Treatment due to unwillingness to cooperate. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.32.1.2.3. If my recommendation is approved, your service will be characterized as an Honorable or 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 based on your failure to successfully complete the Alcohol Drug Abuse Prevention and Treatment (ADAPT) program. On 30 Nov 2004, Capt; [REDACTED] MC, the ADAPT Program Manager, drafted a memorandum summarizing the findings of a treatment team meeting. Based on your pattern of unacceptable behavior, a recent alcohol-related incident, and your unwillingness to comply with ADAPT treatment and program objectives, the team determined that you had failed the program. (Atch 1). This discharge action was initiated based on this assessment.

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; [REDACTED] at 750 Desert Ave, on 20 Jan 05, at 0930 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me within three workdays of the date of this memorandum unless you request and receive an extension for good cause shown. I will forward 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 the Force Health Management Section, Mountain Home AFB Hospital on 20 Jan 05, at 0900 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 your Orderly Room.
9. You will surrender your ID card to me immediately. Proceed with a copy of this letter to the Military Personnel Flight (MPF), Customer Service, Building 512, Mountain Home AFB no later than 1200 hrs 20 Jan 05 where you will be issued a temporary ID card good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.
10. Proceed with a copy of this letter to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than 1630 hrs 20 Jan 05 where you will turn in your Mountain Home AFB vehicle sticker and your DoD vehicle decal after which you will be issued a temporary vehicle pass good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle permit will be issued to you until the case is finalized.
11. Proceed with a copy of this letter to the Traffic Management Office (TMO), in Building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.
12. Execute the attached acknowledgment and return it to me immediately.




Commander

Attachment:

366 MDOS/SGOHA, Memo, dated 30 Nov 2004