

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE AMN		AFSN/SSAN	
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
ISSUES A92.21 A92.01 A92.03 A94.05				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-2006-00278			
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.					
X - Upgrade, Change Reason and Change RE Code					
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	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00278

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

ISSUES:

Issue 1. Applicant contends discharge was inequitable because he served three years without incident and his discharge did not take into account the good things he did while in the service. The records indicate that the applicant received two Letters of Reprimand (LORs) for 1) underage drinking after being counseled that it was illegal and 2) was involved in a verbal altercation in which a Colorado Spring police officer intervened; it was then revealed that he had an outstanding arrest warrant for leaving the scene of an accident with injuries, failing to stop at a stoplight, leaving the scene of an accident, failing to report, failing to display insurance, driving under the influence (DUI) and a hit and run. The applicant was arrested until he posted bail. In addition, it was revealed that he had his driving privileges revoked by the State of Colorado and was driving back and forth from his residence to work. Because of the severity of the incident involving the accident and being charged of DUI he was placed on the Control Roster. Further, the applicant had his right to bear firearms temporarily withdrawn due to an earlier DUI in Colorado Springs. The applicant also received an Article 15 for being drunk and disorderly at or near the AF Academy where he received a reduction to the grade of Airman. The Board took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments, but found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded that the characterization of discharge was appropriate for the reasons which were the basis for this case. In addition, the Board concluded that the reason and the RE code received by the applicant were found to be appropriate.

Issue 2. Applicant would like the Board to consider his accomplishments since his discharge. He states he has completed a degree in medical studies, is now married and his wife is an active duty Air Force member. He believes he has much to offer and would like to serve again in the military. The Board was pleased to see that the applicant was doing well; however, no inequity or impropriety in his discharge was suggested or found in the course of the review. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation, 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, change of reason for discharge or change in the RE Code; therefore, 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 AMN) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF Academy, CO, on 30 Nov 01 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change RE Code and Reason for Disch.

2. BACKGROUND:

a. DOB: 26 Nov 79. Enlmt Age: 18 4/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-68, E-49, G-55, M-48. PAFSC: 3P031 - Security Forces Apprentice. DAS: 6 Dec 98.

b. Prior Sv: (1) AFRes 16 Apr 98 - 21 Jul 98 (3 months 6 days)(Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 22 Jul 98 for 4 years. Svd: 03 Yrs 04 Mo 10 Das, all AMS.

b. Grade Status: Amn, 02 Nov 01 (Article 15, 02 Nov 01)
A1C, 22 Nov 99

c. Time Lost: None.

d. Art 15's: (1) 2 Nov 01, USAF Academy, CO - Article 134. You were, on or about 9 Oct 01, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. Reduction to Amn. (No appeal) (No mitigation)

e. Additional: LOR, 30 JUL 01 - Verbal altercation off-base and police check showed outstanding warrant for your arrest.

UIF/CR, 02 Aug 01 - DUI off-base and leaving the scene of an accident.

MFR, 03 JUL 01 - Withdrawal of authority to bear firearms.

LOR, 23 AUG 99 - Underage drinking after being counselled that it would not be tolerated.

f. CM: None.

g. Record of SV: 22 Jul 98 - 21 Mar 00 USAF Academy 5 (Initial)
22 Mar 00 - 15 Jul 01 USAF Academy 5 (CRO)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (03) Yrs (07) Mos (15) Das
TAMS: (03) Yrs (04) Mos (09) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Jul 06.

(Change Discharge to Honorable, and change the RE Code and Reason for Discharge.)

Issue 1: My discharge is inequitable because I served for 3 years without incidents. I was the highly motivated airman in my squadron. I competed in Defender Challenge which honors the best of the best in Security Forces. I was Airman of the Quarter. I went from gate guard to patrolman, armorer, Desk Sergeant, to having my own office as the traffic control manager.

Issue 2: I had never wished to leave the military, but at the time I felt my superior left me no other option. I have now received a degree in medical studies and have married, in which my wife is active duty Air Force. I believe I have much to offer the Air Force. At this time I would like to thank you for your consideration and hope you allow me to serve this great country once again.

ATCH

1. DD Form 214.
2. Marriage License.
3. Certificate of Course Completion.
4. DD Form 149.

22Aug06/day


4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult with CONTACT AOC AT 3-2481
(grade, name) at _____ (place) on _____ (date)
at _____ (time). 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 16 NOV 01 (allow 3 workdays) 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 _____
(medical facility) at 1430 (time) on 13 NOV 01 (date) for the examination.

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 Personnel and Administrative Services Section. Return AFI 36-3208 to the Personnel and Administrative Services Section when the case is complete.


Commander

Attachments:

1. LOR, 23 Aug 99, one single sided page
2. UIF, 3 Aug 01, one single sided page
3. Memo, 3 Jul 01, one single sided page
4. LOR, 30 Jul 01, two single sided pages
5. Response to LOR, 1 Aug 01, one single sided page
6. Article 15 action, 9 Nov 01, three single sided pages
7. 3070 Response, 25 Oct 01, one single sided page
8. EPRs, two double sided pages