

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	X	PERSONAL APPEARANCE	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
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>	X+				
	X+*				
	X+*				
	X+*				
	X+*				

ISSUES A94.06 A92.22	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 27 Feb 2007	CASE NUMBER FD-2006-00291	
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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.

Names and votes will be made available to the applicant at the applicant's request.

* Reason and Authority
 + Reenlistment Code

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00291

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 appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB on 27 Feb 2007. The following witness also testified on the applicant's behalf: Ms. [REDACTED] [REDACTED] (mother).

The following additional exhibits were submitted at the hearing:
Exhibit 5: American Legion Statement

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's character of discharge and reason and authority for discharge are inequitable. The Board determined the applicant's discharge was too harsh considering the circumstances surrounding his misconduct.

ISSUE:

Issues. The applicant was discharged with a general discharge for a pattern of misconduct in August 1998. The applicant had two Article 15s and vacation of a suspended forfeiture of pay. The applicant had three alcohol related incidents within less than a one month period of time. He was punished with a reduction in grade, forfeiture of pay and performed extra duty. The records indicated applicant had arrived on station at F.E. Warren AFB in February 1998. Applicant testified that in May 1998, a close friend and member of the unit, committed suicide. He contends that his chain of command never provided grief counseling either for the unit or for individuals. At the same time, he testified he was suffering from depression due to family problems. His mother was ill. His parents were experiencing legal and financial problems with other siblings. Applicant stated that during this time, his command was also going through some changes. His first sergeant and commanding officer had been replaced. He felt that if his former commander had not been replaced, he would have obtained the support and grief counseling as needed. The applicant's mother provided additional testimony regarding the applicant's strength of character and their family problems. After his discharge, applicant worked as a Public Safety Officer. He then enlisted with the USMC and was deployed on four combat tours. The applicant provided laudatory letters from his service with the USMC citing that he was one of the best Marines in the section, the company and the battalion. After serving a four-year enlistment, applicant was discharged in 2006 with an honorable discharge.

The Discharge Review Board noted that the applicant's misconduct happened within a one-month period. The Board noted that during this time, he attended a four-hour counseling session as a rehabilitative measure. While the Board did not condone applicant's misconduct, they did not feel applicant received appropriate counseling nor did he receive time for rehabilitation. The Board also noted the applicant's distinguished service record while in the USMC. When considering the totality of the applicant's service, to include the special circumstances surrounding his misconduct and testimony provided to the DRB, the Board believed his discharge was too harsh. As a matter of equity, the Board believed that the applicant's military service is best characterized as Honorable.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial authority under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

FD2006-00291A

(Former AB) (HGH A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Disch fr F.E. Warren AFB, WY on 18 Aug 98. UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. OTHER FACTS:

- a. See attached cy of Examiner's Brief dtd 12MAR01.
- b. The AFDRB reviewed case on 01 May 01 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 31 Jul 06. (Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

Atch

1. Applicant's Issues.
2. Six Character References.

31AUG06/ia



To Military Discharge Review Board:

In my previous request for Review of Discharge from the Armed Forces of the United States, I apologized for my behavior resulting in my discharge from the U. S. Air Force. This apology remains firm.

I still realize that I was responsible for my own actions. Although, I do feel that the outcome of my underage drinking was harsh. In a few short months I turned 21 and there would be no basis for discharge or misconduct. Please keep in mind that at the time of this incident, I was not on duty or on call; this was my time off. Also, I did not drink alone, I observed and continue to observe, similar use of alcohol by minors and often the use of illegal substances by members of the Armed Forces. To my knowledge, no punishment as harsh as discharge was handed down.

My previous request for change of discharge was denied by citing the fact that I was gainfully employed at the time as a security guard at Sacred Heart University, therefore, no reason was found for a change of status. This statement was and still is entirely untrue. I did not consider my employment as a security guard a career. From the time of my discharge from the Air Force and my enlistment in the Marine Corps, I applied for law enforcement positions with the State of Connecticut, New York Police Department, numerous towns, cities and universities. My written scores were high and personal interviews were given. Occasionally, a second interview was arranged, but ultimately the results were always the same. I received letters in the mail stating that other individuals were chosen for the position. Quite frankly, I was baffled by the many rejections I received. I have an AS degree in criminal justice, military experience, my written scores were high and I felt I did well on my interviews. Excellent references were provided and my background check was spotless. Finally, I concluded that my General Discharge for misconduct was a strong factor in the many rejections I received for my career choice.

In closing, as I return to civilian life in October of 2006, I hope to obtain my goal of becoming a law enforcement officer and continue to serve my community. I would like to express my gratitude to the U. S. Marine Corps. for giving me the opportunity to prove my loyalty, ability to serve my country, lead and stand beside my fellow Marines during four combat tours. In retrospect, I am sure that as an Airman if given the opportunity, I would have proven to be an asset to the U. S. Air Force in the protection and defense of my country.

Respectfully submitted;



U. S. Marine Corps.



DEPARTMENT OF THE AIR FORCE

90TH SPACE WING (AFSPC)

FD2006-0029/A

4 Aug 98

MEMORANDUM FOR AB:

FROM: 790 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service could be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You, who knew of your duties at Francis E. Warren Air Force Base, Wyoming on or about 20 June 1998, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. For this conduct, you received an Article 15 on 14 Jul 98 and it was placed in you existing Unfavorable Information File (UIF).

b. You, who knew of your duties at Francis E. Warren Air Force Base, Wyoming on or about 20 June 1998, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. For this conduct, you received a vacation of suspended nonjudicial punishment on 14 Jul 98.

c. You, who knew of your duties at Francis E. Warren Air Force Base, Wyoming on or about 30 May 1998, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. For this conduct, you received an Article 15 on 12 June 98 and had a UIF established.

d. You were, at or near Francis E. Warren Air Force Base, Wyoming, on or about 30 May 1998, as a result of wrongful previous overindulgence in intoxicating liquor incapacitated for the proper performance of your duties. For this conduct you received an Article 15 and had a UIF established.

e. You did, at or near Francis E. Warren Air Force Base, Wyoming, on or about 1 June 1998, wrongfully possess an official identification card for the state of Connecticut, then well knowing the same to be unauthorized. For this conduct you received an Article 15 and had a UIF established.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction 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 with an attorney at the Area Defense Counsel's Office, Bldg. 292, ext. 3248, on 4 Aug 98 at 1300 hrs. You may consult civilian counsel at your own expense.

5. You have the right to submit a statement on your own behalf. Any statements you want the separation authority to consider must reach me within three workdays after receipt of the notification letter, that date being 7 Aug 98, unless you request and receive an extension for good cause shown. I will send any statements you submit to the separation authority for his consideration.

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. 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 in your squadron orderly room.

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

Commander, 790th Security Forces Squadron

Attachments:

1. AF Form 3070 w/Atohs, dated 14 Jul 98
2. AF Form 366 w/Atch, dated 14 Jul 98
3. AF Form 3070 w/Atchs, dated 12 Jun 98

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AB) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/08/18 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 77/10/18. Enlmt Age: 19 5/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-87, E-53, G-48, M-60. PAFSC: 3P031 - Security Forces Apprentice. DAS: 98/02/21.

b. Prior Sv: AFRes 97/03/21 - 97/09/30 (6 months 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 97/10/01 for 4 yrs. Svd: 0 Yrs 10 Mo 18 Das, all AMS.

b. Grade Status: AB - 98/07/14 (Article 15, 98/07/14)
AMN - 98/06/12 (Article 15, 98/06/12)

c. Time Lost: none.

- d. Art 15's: (1) 98/07/14, F.E. Warren AFB, WY - Article 92. You, who knew of your duties, o/a 20 Jun 98, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. Rdn to AB, and 30 days extra duty. (No appeal) (No mitigation)
- (2) 98/07/14, Vacation, F.E. Warren AFB, WY - Article 92. You, who knew of your duties, o/a 20 Jun 98, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages, while underage, as it was your duty to do. Forfeiture of \$463.00 pay per month for 2 months. (No appeal) (No mitigation)
- (3) 98/06/12, F.E. Warren AFB, WY - Article 92. You, who knew of your duties, o/a 30 May 98, were derelict in performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while underage, as it was your duty to do. Article 134. You, were, o/a 30 May 98, as a result of wrongful previous overindulgence in intoxicating liquor incapacitated for the proper performance of your duties. Article 134. You, did, o/a 1 Jun 98, wrongfully possess an official identification card for

EX4

FD01-00077

the state of -----, you, the said -----, then well knowing the same to be unauthorized. Rdn to Amn, forfeiture of \$519.00 pay per month for 2 months (susp till 11 Dec 98), and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: none.

f. CM: none.

g. Record of SV: none.

(Discharged from F.E. Warren AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (4) Mos (28) Das
TAMS: (0) Yrs (10) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/01/25.
(Change Discharge to Honorable)

Issue 1: I am requesting that my discharge from the United States Air Force be upgraded from General (Under Honorable Conditions) to the status of Honorable.

Enclosed are letters attesting to the fact that I have matured as an adult and have demonstrated responsibility in my personal and occupational affairs.

I am presently applying for the position of Police Officer in several ----- cities and feel that an upgrade of my discharge might attest to the maturing of my character.

I have been employed as a member of the Public Safety Department of ----- University since January of 1999 and have a ----- State Pistol and Revolver Permit since January 5, 2000.

While I did not realize the significance of my actions while a member of the United States Air Force, which I must attribute to immaturity, I now feel that my civilian activity have demonstrated my ability to be a responsible member of society.

I respectfully request your consideration of this submission and that final disposition will result in the upgrading of my discharge to Honorable Conditions.

ATCH

1. Three Character References.
2. Basic Certification.
3. Driver's License.
4. Two DD Forms 214.
5. VA Cover Letter.

01/03/12/ia