

**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 <b>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>YES</b></td> <td style="width:50%;"><b>No</b></td> </tr> <tr> <td></td> <td align="center"><b>X</b></td> </tr> </table>	<b>YES</b>	<b>No</b>		<b>X</b>		
<b>YES</b>	<b>No</b>					
	<b>X</b>					

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

<b>ISSUES</b> <b>A94.06</b>	<b>INDEX NUMBER</b> <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE HE

<b>HEARING DATE</b> <b>20 Mar 2007</b>	<b>CASE NUMBER</b> <b>FD-2006-00321</b>	
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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 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.

<b>ENDORSEMENT</b>		<b>DATE: 3/29/2007</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1515 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00321**

**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:** 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, after a thorough review of the record, the Board finds the applicant's character of discharge inequitable.

**ISSUE:**

The applicant stated his discharge was inequitable because it was based on two isolated incidents in 14 months of service. The records indicated the applicant received an Article 15 and two Letters of Reprimand for misconduct. The Discharge Review Board noted that the applicant's misconduct was within a 30 day period and his discharge seemed to be harsh. While the DRB did not condone the applicant's misconduct, they did feel it would have been more equitable to give him an honorable discharge.

**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. Therefore, the applicant's characterization for discharge should be changed to Honorable.

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 Tinker AFB, OK on 1 Jul 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Jul 82. Enlmt Age: 21 5/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-92, E-96, G-96, M-96. PAFSC: 1A331 - Airborne Communications and Electronics Systems Journeyman. DAS: 26 Oct 04.

b. Prior Sv: (1) AFRes 19 Dec 03 - 26 Apr 04 (4 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 27 Apr 04 for 4 yrs. Svd: 01 Yrs 02 Mo 05 Das, all AMS.

b. Grade Status: AB - 19 May 05 (Article 15, 19 May 05)  
A1C - 27 Feb 05

c. Time Lost: None.

d. Art 15's: (1) 19 May 05, Tinker AFB, OK - Article 92. You, having knowledge of a lawful order issued by Lt Col [REDACTED] [REDACTED] not to consume alcoholic beverages, an order which it was your duty to obey, did at or near Tinker AFB, Oklahoma, on or about 29 April 2005, fail to obey the same by wrongfully consuming alcoholic beverages. Reduction to the grade of Airman Basic, with new date of rank of 19 May 2005. Restriction to the limits of Tinker AFB, Oklahoma, for 15 days. (No appeal) (No mitigation)

e. Additional: LOR, 22 APR 05 - Failure to obey a lawful order.  
LOR, 20 APR 05 - Wrongfully provide alcoholic beverages to persons under 21 years.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, GWOTSM, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (06) Mos (13) Das  
TAMS: (01) Yrs (02) Mos (05) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Aug 06.  
(Change Discharge to Honorable)

Issue 1: My discharge was based on two isolated alcohol (sic) incidents during a period of otherwise excellent service. I opted for the discharge as I wished to return to college as a full time student. I have since maintained a 3.71 GPA, and plan on going into education. I served my country well as an airman, and wish to continue my service as an educator. Having an honorable discharge, as opposed to a general under honorable conditions, would greatly assist me in this pursuit.

**ATCH**

None.

11SEP06/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 72D AIR BASE WING (AFMC)  
TINKER AIR FORCE BASE OKLAHOMA

15 Jun 05

MEMORANDUM FOR 72 ABW/CC

FROM: 72 ABW/JA

SUBJECT: Legal Review of AFPD 36-32 and AFI 36-3208 Discharge Action: [REDACTED]

1. I have reviewed the subject discharge action and find it legally sufficient. Lieutenant Colonel [REDACTED], 552 Training Squadron, has recommended that AB [REDACTED] be involuntarily separated from the United States Air Force for Misconduct: Minor Disciplinary Infractions. Lieutenant Colonel [REDACTED] recommends an Under Honorable Conditions (General) Discharge. The authority for this recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.49. Lieutenant Colonel [REDACTED] does not recommend probation and rehabilitation (P&R). I concur.

2. In reviewing this action, I find that there is a legally sufficient basis to separate AB [REDACTED] from the United States Air Force for Misconduct: Minor Disciplinary Infractions as the basis for discharge. Further, I recommend an Under Honorable Conditions (General) Discharge without P&R.

a. Basis for discharge: AFI 36-3208, paragraph 5.49.

(1) On or about 9 Apr 05, AB [REDACTED] did, wrongfully provide alcoholic beverages to persons under the age of 21 years. This was documented in a Letter of Reprimand (LOR) dated 20 Apr 05.

(2) On or about 20 Apr 05, AB [REDACTED] was derelict in the performance of his duties in that he failed to obey an order issued to him by his supervisor. Airman Basic [REDACTED] was told to schedule an ADAPT appointment as it was his duty to do. Airman Basic [REDACTED] stated that he was waiting for them to get back with him, but after being told again, he called and received an appointment within 15 minutes. This was documented in a LOR dated 22 Apr 05.

(3) On or about 29 Apr 05, AB [REDACTED], having knowledge of a lawful order issued by his commander not to consume alcoholic beverages, an order which it was his duty to obey, did fail to obey the same by wrongfully consuming alcoholic beverages. Airman Basic [REDACTED] was given an Article 15 dated 19 May 05 with a reduction to the grade of Airman Basic, with a new date of rank of 19 May 05. Airman Basic Weth was also given a restriction to the limits of Tinker Air Force Base, Oklahoma for 15 days.

b. Given AB [REDACTED] misconduct, administrative discharge is justified. Airmen in the active military service are required to maintain, both on and off duty, the high standards of personal

conduct set for Air Force members. Airman Basic: [redacted] behavior demonstrates a disregard for Air Force standards, and as a result, he should be discharged.

c. Service characterization: Discharge under AFI 36-3208, paragraph 5.49, may be characterized as Honorable, Under Honorable Conditions (General) or Under Other Than Honorable Conditions (UOTHC) depending upon the circumstances involved. According to AFI 36-3208, paragraph 1.18, an Honorable service characterization is appropriate when the quality of the Airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate. An Under Honorable Conditions (General) service characterization is warranted when an Airman's service has been honest and faithful, but significant negative aspects of the Airman's conduct or performance outweigh positive aspects of the Airman's military record. A UOTHC is appropriate when the reason for separation is based on a pattern of behavior, or one or more acts or omissions that constitute a significant departure from the conduct expected of Airmen. Examples of such behavior, acts, or omissions include, but are not limited to: using force or violence to produce serious bodily injury or death, abusing a special position of trust, and endangering the security of the United States or the health and welfare of other Air Force members. A recommendation for a UOTHC service characterization requires that the member be given an opportunity for a hearing by an administrative discharge board or request discharge in lieu of trial by court-martial. Airman [redacted] conduct warrants an Under Honorable Conditions (General) service characterization. His actions are evidence of his disregard for Air Force standards and the need for good order and discipline.

d. Probation and Rehabilitation: AFI 36-3208, paragraph 7.3, states that P&R may be offered to Airmen who have demonstrated a potential to serve satisfactorily, have the capacity to be rehabilitated for continued military service or completion of the current enlistment, or whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. Airman: [redacted] commander allowed him to participate in the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program. Airman: [redacted] conduct continued to be unacceptable after participation in this program. Given AB: [redacted] conduct and the commander's belief that further rehabilitative efforts would not be productive, probation and rehabilitation is not recommended.

3. Member's Response: After having been afforded the opportunity to consult counsel, AB: [redacted] consulted with counsel and chose not to submit statements for your consideration. See Tab 2, Atch 2, 3.

4. Options of the Separation Authority - 72 ABW/CC:

a. Approve a General discharge for respondent, with or without probation and rehabilitation; or

b. Forward the file to OC-ALC/CC with a recommendation for an Honorable discharge for respondent, with or without probation and rehabilitation; or

c. Return the file to the commander to re-initiate as a UOTHC discharge with all the rights associated with an administrative discharge board; or

d. Disapprove the discharge and retain the respondent on active duty.

5. I recommend that you direct AB [ ] be separated Under Honorable Conditions (General) Discharge without P&R.

[ ]

Acting Staff Judge Advocate

**Attachments:**

1. Copy of Notification Memorandum w/atchs
2. Airman's Receipt of Notification Memorandum



DEPARTMENT OF THE AIR FORCE  
552d TRAINING SQUADRON (ACC)  
TINKER AIR FORCE BASE OKLAHOMA

MEMORANDUM FOR AB: \_\_\_\_\_

FROM: 552 TRS/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. On or about 9 Apr 05, you did, wrongfully provide alcoholic beverages to persons under the age of 21 years. This is documented in a Letter of Reprimand (LOR) dated 20 Apr 05. See Attachment 1.

b. On or about 20 Apr 05, you were derelict in the performance of your duties in that you failed to obey an order issued to you by your supervisor. You were told to schedule an ADAPT appointment as it was your duty to do. You stated that you were waiting for them to get back with you, but after being told again, you called and received an appointment within 15 minutes. This is documented in a LOR dated 22 Apr 05. See Attachment 2.

c. On or about 29 Apr 05, you, having knowledge of a lawful order issued by your commander not to consume alcoholic beverages, an order which it was your duty to obey, did fail to obey the same by wrongfully consuming alcoholic beverages. You were given an Article 15 dated 19 May 05 with a reduction to the grade of Airman Basic, with a new date of rank of 19 May 05. You were also given a restriction to the limits of Tinker Air Force Base, Oklahoma for 15 days. See Attachment 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).

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 Building One, on 09 Jun 2005, at 1100 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 13 Jun 2005 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 report to Flight Medicine, Tinker AFB Hospital on 10 Jun 2005, at 1245 hours for the 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 Orderly Room.

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

[Redacted Signature Box]

Commander

**Attachments:**

1. Supporting Documents
2. Receipt of Notification Memorandum