

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE  SRA		AFSN/SSAN	
TYPE GEN		PERSONAL APPEARANCE		X RECORD REVIEW	
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBER SITTING		VOTE OF THE BOARD			
		HON	GEN	UOTHC	OTHER
					X
					X
					X
					X
					X
ISSUES A92.01 A92.03 A93.29		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 Mar 2007		CASE NUMBER FD-2006-00348			
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 of discharge, change of reason & authority, and change of reenlistment code are denied.					
TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		INDORSEMENT		DATE: 5/1/2007	
		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			

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00348

**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 that his discharge did not take into account the good things he did while in the service. Applicant states that he was informed by his commander that a refusal to attend alcohol counseling was the only way to separate because of his reenlistment contract obligations. He states that he accepted the discharge but was unaware that it would prevent him from reenlisting. The record indicates that the applicant received an Article 15 for drunk and disorderly. The record shows that the applicant signed a statement that he was refusing alcohol treatment and that he understood that doing so would make him subject to discharge action. In addition, the applicant waived his right for an administrative discharge board.

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 the characterization of the discharge, reason for discharge and reenlistment code appropriate for the reasons which were the basis for this case.

The Board recommends that if the applicant can provide additional documented information to substantiate his issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the Board with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

**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, reason for discharge and reenlistment code should not be changed.

Attachment:  
Examiner's Brief

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

(Former SGT) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Cannon AFB, NM on 1 Apr 93 UP AFR 39-10, para 5-32 (Alcohol Abuse Rehabilitation Failure). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 31 May 65. Enlmt Age: 18 2/12. Disch Age: 27 10/12. Educ: HS DIPL. AFQT: N/A. A-79, E-84, G-76, M-78. PAFSC: 45156B - Avionics Test Station and Component Specialist. DAS: 30 Sep 91.

b. Prior Sv: (1) AFRes 12 Aug 83 - 9 May 84 (8 months 28 days) (Inactive).

(2) Enlisted as AB 10 May 84 for 4 yrs. Svd: 3 Yrs 10 months 00 days, all AMS. Amn - Unknown. A1C - Unknown. SrA - 10 May 87. APRs: 8.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 10 Mar 88 for 6 yrs. Svd: 05 Yrs 00 Mo 22 Das, all AMS.

b. Grade Status: Sgt - 1 May 88

c. Time Lost: None.

d. Art 15's: (1) 3 Feb 93, Cannon AFB, NM - Article 134. You, were, at or near the main gate of Cannon AFB, New Mexico, on or about 23 Jan 93, drunk and disorderly. Forfeiture of \$100.00 pay per month for two months. Thirty days extra duty (suspended). (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV:

18 Mar 87 - 17 Mar 88	Plattsburgh AFB	9	(Annual)
18 Mar 88 - 17 Mar 89	Plattsburgh AFB	9	(Annual)
18 Mar 89 - 17 Mar 90	Plattsburgh AFB	5	(Annual)
18 Mar 90 - 10 Dec 90	Plattsburgh AFB	5	(CRO)
10 Dec 90 - 21 Jun 91	Plattsburgh AFB	5	(CRO)
22 Jun 91 - 21 Jun 92	Cannon AFB	4	(Annual)

h. Awards & Decs: AFCEM, AFAM, AFOUA W/2 BOLCS, AFGCM W/1 BOLC, NDSM, AFLSAR W/1 BOLC, NCOPMER, AFTR.

AUG 31 2006

FD2006-00348

# APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004  
OMB approval expires  
Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

## PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

## 1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one) ☒ ARMY ☐ MARINE CORPS ☐ NAVY ☒ AIR FORCE ☐ COAST GUARD

b. NAME (Last, First, Middle Initial)

c. GRADE/RANK AT DISCHARGE

d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION  
(YYYYMMDD) (If date is more than 15 years  
ago, submit a DD Form 149)

1993 04 01

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)

☒ HONORABLE  
☒ GENERAL/UNDER HONORABLE CONDITIONS  
☐ UNDER OTHER THAN HONORABLE CONDITIONS  
☐ BAD CONDUCT (Special court-martial only)  
☐ UNCHARACTERIZED  
☐ OTHER (Explain)

5. BOARD ACTION REQUESTED (X one)

☒ CHANGE TO HONORABLE  
☐ CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS  
☐ CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)  
☒ CHANGE NARRATIVE REASON FOR SEPARATION TO SECRETARIAL AUTHORITY

3. UNIT AND LOCATION AT DISCHARGE  
OR SEPARATION

27TH CRS /  
CANNON AFB, NM

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

I AM CURRENTLY ATTEMPTING TO RE-ENTER MILITARY SERVICE. I WAS INFORMED THAT A REFUSAL TO ATTEND SOCIAL ACTIONS ALCOHOL COUNSELING WAS THE ONLY (CONT.)

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD)

AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

I HAVE ENCLOSED AWARDS, MEDAL CERTIFICATES, PERFORMANCE REPORTS, COPY OF TREATMENT COMPLETION.

9. TYPE OF REVIEW REQUESTED (X one)

☒ CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.

☐ I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

☐ I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)

N/A

b. TELEPHONE NUMBER (Include Area Code)

N/A

c. E-MAIL

N/A

d. FAX NUMBER (Include Area Code)

N/A

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE

(Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

N/A

c. FAX NUMBER

N/A

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER  
(Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

2006 08 29

FD2006-00348

## 14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

WAY I WOULD BE ABLE TO SEPARATE, BECAUSE OF RE-ENLISTMENT CONTRACT OBLIGATIONS. (BY COMMANDER). OUTSIDE OF BETTER JUDGEMENT I ACCEPTED. RECEIVING THIS DISCHARGE (39-10), I WAS UNAWARE THAT IT WOULD PREVENT ME FROM RE-ENLISTING. I PERFORMED VERY WELL DURING MY TIME IN AND THE EXPERIENCE AS A WHOLE, WAS VERY REWARDING. I HAVE SINCE SUCCESSFULLY COMPLETED ALCOHOL REHAB.

## 15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

## 16. REMARKS (If applicable)

I REALIZE SOME TIME HAS PASSED SINCE MY DISCHARGE, HOWEVER I FEEL I STILL HAVE MUCH TO OFFER. I HAVE NOT FOUND ANYTHING IN THE CIVILIAN SECTOR THAT IS CLOSE TO WHAT THE AIR FORCE GAVE ME. I AM SINCERELY GRATEFUL JUST TO HAVE THIS OPPORTUNITY. I AM ALSO REQUESTING TO HAVE MY REENTRY CODE UP-GRADED FROM A 2B TO SOMETHING THAT WOULD ALLOW ME TO RE-ENLIST. THANK YOU VERY MUCH FOR CONSIDERATION.

## MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

## ARMY

Army Review Boards Agency  
Support Division, St. Louis  
9700 Page Avenue  
St. Louis, MO 63132-5200  
(See <http://arba.army.pentagon.mil>)

## NAVY AND MARINE CORPS

Naval Council of Personnel Boards  
720 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

## AIR FORCE

Air Force Review Boards Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX 78150-4742

## COAST GUARD

U.S. Coast Guard  
Commandant (G-WPM)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593

FD 2006-00348

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 27TH FIGHTER WING (ACC)  
CANNON AIR FORCE BASE NEW MEXICO

FROM: 27 CRS CC

22 MAR 93

SUBJ: Letter of Notification (Board Hearing)

TO: Sgt [REDACTED]

1. I am recommending your discharge from the United States Air Force for Failure in Alcohol Abuse Rehabilitation, according to AFR 39-10, under the provisions of paragraph 5-32. If my recommendation is approved, your service will be characterized as General or Honorable. I am recommending that your service be characterized as General. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are that:

a. On 8 Mar 93, you failed alcohol abuse rehabilitation, as evidenced by AF Form 2731, Substance Abuse Reorientation and Treatment Program Disposition, dated 8 Mar 93 (Atch 1a).

b. On 23 Jan 93, you were drunk and disorderly at or near the main gate of Cannon Air Force Base, New Mexico, as evidenced by AF Form 3545, Incident Report, dated 23 Jan 93, and an Article 15, dated 5 Feb 93 (Atch 1b).

3. This action could result in your separation with a General Discharge. I am recommending that you receive a General Discharge. The Commander exercising SPCM jurisdiction or higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to:

a. Consult legal counsel.

b. Present your case to an administrative discharge board.

c. Be represented by legal counsel at a board hearing.

d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

5. You completed a medical examination on 3 Mar 93.

6. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel on 23 MAR 93 at 11:30. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. In addition, to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.

9. You must immediately report to the Separation Section, Bldg 600, Rm 2037, to pick up the final outprocessing checklist. This checklist will be completed NLT 26 Mar 93 and returned to the Separation Section.

10. Execute the attached acknowledgement and return it to me immediately.

Commander, 27 CRS

Atch  
Supporting Documents