

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		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING []		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A92.21 A94.05		INDEX NUMBER A67.50		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	
HEARING DATE 08 Mar 2007		CASE NUMBER FD-2006-00364				
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.						
[]						
INDORSEMENT				DATE: 3/9/2007		
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

FD-2006-00364

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: Upgrade of discharge is 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 it was too harsh. The records indicated the applicant received two Article 15s for misconduct. The misconduct included consuming alcoholic beverages rendering him unfit for duty, drinking while on telephone standby, making a false statement, driving under the influence of alcohol, and wrongfully using provoking words and obscene gestures. 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.

Issue 2. Applicant cited his post-service activities as justification for upgrade. The DRB was pleased to hear that the applicant was doing well and has completed a 90-day alcohol rehabilitation program. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. 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 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 AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Kirtland AFB, NM on 23 Jun 00 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 Aug 78. Enlmt Age: 19 3/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-72, E-77, G-68, M-65. PAFSC: 3P031 - Security Forces Apprentice. DAS: 27 Oct 98.

b. Prior Sv: (1) AFRes 19 Nov 97 - 10 Mar 98 (3 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Mar 98 for 4 years. Svd: 02 Yrs 03 Mo 13 Das, all AMS.

b. Grade Status: Amn - 11 Jul 99

c. Time Lost: None.

d. Art 15's: (1) 25 May 00 - Kirtland AFB, NM - Article 91. You having received a lawful order from TSgt [redacted], a non-commissioned officer, then known by you to be an NCO, to be on telephone standby as of 0001, 14 May 00, which meant you were to remain at your residence and not consume alcoholic beverages, an order which it was your duty to obey, did, on or about 14 May 00, willfully disobey the same. Article 107. You, did, on or about 14 May 00, with intent to deceive, make to SrA [redacted] an official statement, to wit: when asked if you had exchanged words residents on Ridgecrest Drive, you stated, "No, I don't know what you're talking about", or words to that effect, which statement was totally false, and was then known by you to be so false. Article 111. You, did, on or about 14 May 00, at the intersection of Pennsylvania Street and Ridgecrest Drive, physically control a vehicle, to wit: a passenger car, while drunk. Article 117. You, did, on or about 14 May 00, wrongfully use provoking words, to wit: "fuck you, you sons of bitches." or words to that effect, and gestures, to wit: raising your middle finger, as an obscene gesture, towards A1C [redacted] and A1C [redacted], US Air Force. Forfeiture of \$563.00 pay with that portion in excess of \$100.00 suspended. (No appeal)

(No mitigation)

- (2) 24 Nov 99, Kirtland AFB, NM - Article 92. You, who know of your duties, on or about 17 Nov 99, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages which rendered you unfit for duty, as it was your duty to do. Suspended reduction to Amn. Forfeiture of \$250.00 pay for 2 months and 10 days extra duty. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 11 Mar 98 - 10 Nov 99 Kirtland AFB 5 (Initial)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (05) Das
TAMS: (02) Yrs (03) Mos (13) Das

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

Issue 1: I have worked diligently to better my way of living since I was discharge. I completed a 90 day alcohol rehabilitation center (sic) and am proud to be sober. The Air Force taught me about respect, work ethic, and responsibility. Unfortunately, during the time I was enlisted, I did not convey that message to others. If I could go back and correct the mistakes I made at the end of my duty, I would. Please read the attached letters and upgrade my discharge, so I can better myself further with the help of the GI Bill. Thank you.

ATCH

1. Two letter of recommendation.
2. Certification of completion.

19OCT06/day



DEPARTMENT OF THE AIR FORCE
377TH SECURITY FORCES SQUADRON (AFMC)
KIRTLAND AIR FORCE BASE NEW MEXICO

07 JUN 2000

MEMORANDUM FOR Amn: _____

FROM: 377 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, a pattern of misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. On or about 30 May 00, you received an Article 15. **For further explanation see attached Article 15. (Atch 1)**

b. You, who knew of your duties at Kirtland Air Force Base, New Mexico, on or about 17 November 1999, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages which rendered you unfit for duty, as it was your duty to do. For your misconduct you received an Article 15 dated 30 Nov 99. (Atch 1)

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 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. Special pay, bonuses, or education assistance funds may be subject to recoupment.

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: _____, at building 20200, ext. 6-5554, on 7JUN00 at 0800 hours. 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 within **3 workdays** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 377th Medical Group (Physical Exams) on 12 JUN 00 at 1515.

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 in your unit orderly room.



Commander

Attachments:

1. Supporting Documentation
2. Other Derogatory Data