

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	UOTHIC	OTHER	DENY
						X
						X
						X
						X
ISSUES 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 22 Mar 2007	CASE NUMBER FD-2006-00415					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>X - Upgrade, Change Reason for Discharge and Change Reenlistment Code</p>						
INDORSEMENT		DATE: 5/4/2007				
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-2006-00415

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason 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 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:

The applicant contends the discharge was inequitable because it was based on one isolated incident in 40 months of service. The record indicates that the applicant received an Article 15 for wrongful previous overindulgence of intoxicating liquor or drugs that incapacitated him for the proper performance of duty. He was punished with a reduction in rank to Airman. In addition, the record shows the applicant was denied reenlistment for substandard performance. The record shows that the applicant was discharged for Misconduct, Minor Disciplinary Infractions, but was missing the discharge documentation. Lacking this evidence, the Board must rely on the presumption of regularity and finds the characterization, reason for discharge and reenlistment code received appropriate.

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 A1C)

MISSING DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Barksdale AFB, LA on 31 Oct 97. UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 7 May 75. Enlmt Age: 19 1/12. Disch Age: 22 5/12. Educ: Bachelor Degree. AFQT: N/A. A-48, E-62, G-59, M-43. PAFSC: 3P031 - Security Apprentice. DAS: Unknown.

b. Prior Sv: (1) AFRes 24 Jun 94 - 27 Jun 94 (4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 Jun 94 for 4 yrs. Svd: 03 Yrs 04 Mo 04 Das, all AMS.

b. Grade Status: Amn - 24 Jul 97 (Article 15, 24 Jul 97)
A1C - 28 Oct 95
Amn - 28 Dec 94

c. Time Lost: None.

d. Art 15's: (1) 24 Jul 97, Barksdale AFB, LA - Article 134. You, were, on or about 29 Jun 97, as a result of wrongful previous overindulgence in intoxicating liquor or drugs, incapacitated for the proper performance of your duties. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: AF 418, 17 JUN 97 - Denied Reenlistment for substandard performance.

f. CM: None.

g. Record of SV: 28 Jun 94 - 8 Jun 96 Barksdale AFB 2 (Initial)REF
09 Jun 96 - 8 Jun 97 Barksdale AFB 3 (Annual)

h. Awards & Decs: AFTR, AFOUA W/1 DEV, NDSM.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (08) Das
TAMS: (03) Yrs (04) Mos (04) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Oct 06.

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Three Character References.
4. Four Letters of Appreciation.
5. Certificate of Appreciation.
6. Two Discharge Certificates.
7. Two Certificates of Appreciation.
8. Army Achievement Medal.
9. Bachelor of Science Degree.

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7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:
Character references from military personnel

b. DOCUMENT 2:
Educational achievements

c. DOCUMENT 3:
Military achievements

8. ISSUES
The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I am wanting to request an upgrade to my discharge on the basis that it was inequitable because it was based on one isolated incident in 40 months of service with no other adverse actions. I was working as a SP at Broadside AFB on the morning shift. The night before the incident me and some other coworkers had a Boxing party. We had a SOP that stated we could not consume alcohol 8 hours prior to duty. So I went to bed at 2100 with several coworkers witnessing this. The next day I went to work at 0600 and got to my post. My shift sergeant spoke with me and said he smelt alcohol. We went to the office to perform a BAT. I passed that, but he stated to me that I had been drinking prior to duty. I had several coworkers sign statements stating that I stopped drinking 8 hours prior to duty. The issue continued until I received a Article 15. After that I returned to duty and they would not let me change shifts so I would not have to work for the same shift sergeant. I refused to carry a weapon and asked my First Sergeant to release me from the Air Force. They did on 19971031. I do not feel like I should have received a misconduct discharge because I asked to be relieved. They were going to put me back to work. I look back on it now and wish I would have stayed in and continued my career. I have been in the Army National Guard for 6 years now and can not get a full time AGR job because of the misconduct discharge. I have been working in recruiting for 3 years and want to become a recruiter. I love my job and want to continue a full time military career. I have been an outstanding soldier with my unit and become a leader. I have received awards and metals for my service. I love the military and would gratefully request that my discharge be upgraded.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)
AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

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

a. DATE (YYYYMMDD) **20041013**

b. SIGNATURE: _____

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001