

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE A1C	AFSN/SSAN _____
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TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL	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%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>	YES	No	X		AMERICAN LEGION	1608 K ST NW WASHINGTON DC 20006
YES	No					
X						

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X+*
	X				+*
					X+*
	X				+*
	X				+*

ISSUES A93.19 A02.17 A92.21 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 17 May 2007	CASE NUMBER FD-2006-00418	
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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.

X - Characterization
 + - Change Reason and Authority
 * - Change Reenlistment Code

INDORSEMENT	DATE: 5/29/2007
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

GENERAL: The applicant appeals for upgrade of discharge to honorable, change reason and authority and change reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), and was represented by Mr. PR from the American Legion, at Andrews AFB on 17 May 2007. The following witnesses also testified on the applicant's behalf: Ms. CFR (mother), JF (son), A1C CR (brother), Ms KH and Mr. JH (close friends).

The following additional exhibits were submitted at the hearing:

- Exhibit #5: American Legion Statement with Attachments
- Exhibit #6: Six Character Letters
- Exhibit #7: Seven Automotive Certificates
- Exhibit #8: 2006 Police Officer Examination Acceptance Letter
- Exhibit #9: Harold Washington College Transcript
- Exhibit #10: University of IL at Chicago Acceptance Letter
- Exhibit #11: Four Military Certificates
- Exhibit #12: Letter of Appreciation from Capt Lopardi
- Exhibit #13: Peacekeeper Challenge '92 newspaper article
- Exhibit #14: Kennedy-King College "Tribute to Honor Students" Brochure

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

FINDINGS: Upgrade of discharge is granted.

Change of reason and authority and change of reenlistment code are denied.

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 characterization of discharge inequitable.

ISSUE:

Issue 1. The applicant contends that his service, less the separate isolated episodic incidents of alcohol abuse, was honorable. Applicant contends that at the time of his discharge he was not fully aware that he had an alcohol abuse problem. Applicant contends he was not given an opportunity to rehabilitate and overcome his alcohol abuse. The record indicates that the applicant received a General discharge for Misconduct, Minor Disciplinary Infractions. The record shows that the applicant received a DA Form 3975 (suspended nonjudicial punishment) for driving under the influence (DUI), two Letters of Reprimand for late for duty and drunk/disorderly, and an Article 15 for DUI.

The applicant testified that he grew up in a tough neighborhood and that alcoholism was prevalent in his family (his biological father, grandfather and uncle). The applicant, through the strong support of his mother and step-father, remained focused on school and athletics and avoided the peer pressure to drink. He also participated in JROTC through high school and was promoted to E-3 upon completion of basic training. Prior to his first DUI the applicant was selected as a member of the Elite Guard and AF Peacekeeper Challenge Team. According to medical records the applicant's first consumption of alcohol was shortly after entry into active duty. After being diagnosed as a problem drinker, the applicant was enrolled in and successfully completed Alcohol and Drug Abuse Prevention and Treatment (ADAPT). After his second DUI the applicant was diagnosed with alcohol abuse, episodic; and recommended for rehabilitation and

retained on active duty to receive treatment. The applicant contended that he was not made aware that he had a serious drinking problem until after the second incident. After his diagnosis and prior to his discharge, the applicant found and attended Alcoholics Anonymous (AA) meetings on his own. Following discharge the applicant successfully completed counseling and is currently an active member of AA. He has counseled and championed others in their recovery as well. He is also an active member of his community; working to feed the homeless, participating in charity events; volunteering at the YMCA, and is currently mentoring youth in poverty stricken neighborhoods.

After considering the applicant's records and testimony (as well as the additional evidence provided during the board –to include his pre- and post-service accomplishments), the Board majority opined that had the applicant been given the opportunity for rehabilitation and provided proper supervision and mentoring, he likely would have overcome his alcohol problem and been a quality asset to his unit and the Air Force. The Board grants the upgrade of the characterization of discharge to Honorable. The Board did not find any sufficient mitigation to substantiate changing the reason for discharge or the reenlistment code.

Issue 2. The applicant contends that his command failed to accept the clinical recommendation for retention and opportunity for probation, rehabilitation or rehabilitative transfer at time of discharge. The applicant also contends that he was given inadequate and incomplete legal counsel and support during his discharge. The Board finds no evidence of impropriety but, as stated in the above issue, found evidence of inequity and grants upgrade of the characterization to Honorable. Again, the Board found no evidence to mitigate changing the reason for discharge or the reenlistment code.

Issue 3. The applicant states that he continues to experience limited opportunities for employment and VA benefits as a result of his discharge characterization, reason and authority, and reenlistment code. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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 findings and based upon contributory factors presented, the Board believes that relief for the characterization of the discharge should be granted. The applicant's characterization should be changed to Honorable 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

FD2006-00418A

 (Former A1C) (HGH SRA) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Disch fr McGuire AFB, NJ on 25 Jun 93. 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. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 20 Aug 04.

b. The AFDRB reviewed case on 12 Oct 04 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 16 Oct 06. (Change Discharge to Honorable, and Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

Atch

1. Applicants Issues.
2. Five Character References.
3. DD Form 214.
4. AF Form 910, Enlisted Performance Report.
5. AF Form 2098, Classification-On-The-Job-Training Action.

29NOV06/ia



To whom it may concern,

October 10, 2006

I [] have been separated from the U.S. Air Force for more than 13 years, and have been an exemplary model citizen with much success ever since. Even during my military experience, my performance was excellent despite two isolated incidents. I am requesting your consideration in upgrading my discharge to 'Honorable', a change in my narrative reason for separation, as well as my separation and reentry code.

I entered the U.S. Air Force at the age of 17, with the hopes of making a career for myself that would allow me to become even more successful. I was undoubtedly young, but full of vigor and willingness to be an asset to the military. I completed basic training in half the time due to my high school participation in ROTC, and was promoted to E-3 upon completion. I completed Security Specialist school and began my career.

Ramstein AB, Germany was my first duty station. While stationed at Ramstein AB, I was assigned to the 377 SPS in support of Operation Desert Shield/Storm. I was a member of the 17th A.F. Peacekeeper challenge team, member of the Elite Guard, security for Vice President Dan Quayle's visit to Ramstein AB, and many other significant events that took place at Ramstein AB. My accomplishments are listed on my performance evaluation which is attached.

Despite the trouble I encountered for DWI, I was a very well motivated and outstanding member of my squadron. At the time of the incident, a lot of exciting things were happening for me and I over reacted with my actions. I was made well aware of my embarrassment and disappointment to my squadron and quickly tried to recover from that incident.

Once I completed my tour at Ramstein AB, I was assigned to RAF Upper Heyford, New England, where I began a new chapter in my career as a Security specialist. I belonged to a very respectable squadron that hosted many young security specialist like myself. There at Upper Heyford, I found it difficult to adjust, because I experienced my first batch of negativity in the form of racism. I did not file any form of complaint, instead I overlooked it and tried my best to do my job as best as possible.

I resided in a dormitory with other military personnel that were not security specialist like myself which was great because it added variety to the scope of the mission of Upper Heyford. Everybody knew what everybody did. I must admit that I did become friends with a group that was very much like myself but not as outgoing. Trouble found me once again when I was charged with another DWI while at Upper Heyford. This incident in my opinion was handled

very unprofessional with respect to my reputation and well being.

I recall sitting in my car while it was running; I was intoxicated, but I was not driving. I now realize that my choice to stay in the car was wrong, but I was being respectful to my roommate who was entertaining a guest. The arresting officer misinterpreted my actions and that is when my career came to a halt. Unlike the incident at Ramstein, I did not receive adequate help in trying to remedy the incident. I was constantly being told that, "You're getting kicked out and that there was nothing that you can do about it." I was also told that an appeal would not help me either. I took my superiors word and gave up without even trying. A choice that I now regret, it is not in my character to give up.

Since my discharge from the U.S. Air Force, I have made many accomplishments and fulfilled many goals. I have been married for 12 years and have five wonderful and healthy children. I am currently employed by the State of Illinois, and have been for 13 years. I have received two step promotions in two years, and three job promotions within 10 years. I now work with the State of Illinois, Division of Rehab and Education for the Blind as a maintenance equipment operator.

Prior to my present job, I worked as a mechanic for the State of Illinois for 4 years and prior to that I was a Human Services caseworker for Nursing Home Services. During my employment and presently, I have been attending college working on my degree towards Criminal Justice.

I hold 5 certifications in A.S.E.(Automotive Service Excellence), and various certificates in the field of auto repair. I dedicate one Tuesday a month to feed the homeless and every third Monday I pass out food with the Chicago Food Depository to those in need. My children and I volunteer time to the YMCA as well as various community events. I am currently working with the youth in my neighborhood to keep them productive and teach them responsibility. I am also a member of CAPS (Chicago Alternative Policing Strategy).

I have addressed my issues with the abuse of alcohol through private counseling and have been sober for the past 10 years. I know an upgrade will enhance my future goals and ambitions, please take into consideration my request to upgrade my discharge to 'Honorable', a change in my narrative reason for separation, as well as my separation and reentry code.

Sincerely,

[Redacted signature area]

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

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr McGuire AFB, NJ on 25 Jun 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 13 Nov 72. Enlmt Age: 17 4/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-85, E-46, G-53, M-30. PAFSC: 81150 - Security Specialist. DAS: 7 Feb 93.

b. Prior Sv: (1) AFRes 9 Apr 90 - 16 Sep 90 (5 months 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 17 Sep 90 for 4 yrs. Extended 7 Sep 92 for 6 months. Svd: 2 Yrs 9 Mo 9 Das, all AMS.

b. Grade Status: A1C - 13 Apr 93 (Article 15, 13 Apr 93)
Unknown

c. Time Lost: None.

d. Art 15's: (1) 13 Apr 93, RAF Upper Heyford, UK - Article 111. You, did, at or near the NCO Club, RAF Upper Heyford, Oxfordshire, United Kingdom, on or about 28 Mar 93, operate a vehicle, to wit: a passenger car while drunk. Reduction to A1C, forfeiture of \$200.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: LOR, 22 SEP 92 - Late for duty.
LOR, 21 SEP 92 - Drunk and disorderly.
DA FORM 3975, 12 OCT 91 - Driving Under the Influence of Alcohol.

f. CM: None.

g. Record of SV: 17 Sep 90 - 10 Aug 92 Ramstein AB 4 (Initial)

h. Awards & Decs: NDSM, AFOSLTR, AFOUA, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (16) Das
TAMS: (2) Yrs (9) Mos (9) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Jul 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I [] had a couple of alcohol related incidents during my service to my country while in the U.S. Air Force. At the time I was young and still growing up I cannot blame no one but myself for my actions. I am accountable for what I have done. Since being discharged from the U.S. Air Force, I have attended college, started a family in which I have 3 boys and 2 girls and currently work for the State of Illinois as an automobile technician. I do not drink alcohol or smoke and haven't done so in over 6 years, in order to maintain and function as a husband, father, and a working man. Please consider my discharge status, I strongly feel it will assist me in becoming more successful in my future endeavors. It has been over 10 years since I have served my country and I would want anything more then the oppurtunity (sic) to serve my country again if I were given a chance. Thank you.

ATCH
None.

20AUG04/ia



DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS 20TH SECURITY POLICE SQUADRON (USAFE)
 APO NEW YORK 09194-5000

FD 2006-0048A



REPLY TO
 ATTN OF: CC

15 JUN 93

SUBJECT: Notification Letter

TO: AIC [REDACTED], 20 SPS

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct according to AFR 39-10, under the provisions of paragraph 5-47a. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 12 Oct 91, you were driving under the influence of alcohol (DUI), and you refused to comply with the Implied Consent Policy. On 23 Oct 91, your Blood Alcohol Test (BAT) results showed you as being legally intoxicated. Your driving privileges were accordingly preliminarily suspended on 23 Oct 91, and revocation of your driving privileges was confirmed on 23 Oct 91.

b. On or about 5 Sep 92, you were engaged in drunk and disorderly conduct, conduct, which resulted in you receiving a Letter of Reprimand dated 21 Sep 92, and the establishment of an Unfavorable Information File (UIF), from your previous commander.

c. On or about 18 Sep 92, you failed to show at your appointed place of duty, building 2371, at the appointed time. For this failure you received a Letter of Reprimand dated 22 Sep 92, from Major [REDACTED], which was placed in your UIF.

d. On 28 Mar 93, you were driving under the influence of alcohol (DUI), for which you were suspended from the Personnel Reliability Program (PRP) for 14 days pending the outcome of the Blood Alcohol Test (BAT). On 29 Mar 93, your BAT results showed you as being legally intoxicated. For this offense you received an Article 15 dated 13 Apr 93, from Lt Col [REDACTED] and you were permanently decertified from PRP on 13 Apr 93.

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, and will probably be denied enlistment in any component of the armed forces.

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 the Area Defense Counsel, Captain [REDACTED], at RAF Upper Heyford, Bldg 36, extension 4885 on 17 Jun 93 at 0800 hours. You may consult civilian counsel at your own expense.

Right People. Right Mission. Right Now.

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 16 JUN 93, 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 the USAF Hospital, Physical Examination Section, RAF Upper Heyford, at 0730 hours on 16 JUN 93.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in your unit orderly room.

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



Squadron Section Commander

- 2 Atch
- 1. Airman's Acknowledgment
- 2. Evidence in support of discharge