

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 A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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
YES	No	
	X	

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

ISSUES A93.02 A94.05 A93.30	INDEX NUMBER A67.90	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 05 Jun 2007	CASE NUMBER FD-2006-00423	
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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.

* CHANGE RE CODE
 + CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

INFORMEMENT	DATE: 6/25/2007
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-2006-00423

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 appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on June 5, 2007.

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

FINDINGS: The Board grants partial relief. Upgrade of discharge to honorable is granted. Request for 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 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 applicant's character of discharge is inequitable.

ISSUE:

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He admits that he was young and immature and has expressed a desire for upgrade of his discharge so that he may qualify for reenlistment into the armed forces. The records indicated the applicant received an Article 15, a Vacation, three Letters of Reprimand, and two Letters of Counseling for misconduct. The applicant received an Article 15 for failure to refrain from using alcoholic beverages while under the age of 21. He was punished with a reduction in grade to Airman Basic (reduction below Airman was suspended) and restriction to Malmstrom AFB for 45 days. The Vacation action was for breaking restriction at Malmstrom AFB. He was reduced in grade to Airman Basic. The applicant had additional misconduct and was administratively disciplined for being late for work, failure to go, reporting to work hung over and smelling of alcohol, dereliction of duty, and a civilian arrest for driving under the influence of alcohol. The DRB did not condone the applicant's misconduct. However, after complete consideration of the information submitted by the applicant, the applicant's compelling personal testimony, and information contained in the record, the Board concluded that there was sufficient mitigation and extenuation to substantiate upgrade of his discharge to honorable. The Board did not however agree to change the reason and authority for discharge or the applicant's reenlistment code.

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 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

(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Malmstrom AFB, MT on 19 Sep 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 14 May 82. Enlmt Age: 19 5/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-71, E-60, G-62, M-55. PAFSC: 2M032 - Missile and Space Systems Maintenance Apprentice. DAS: 25 Jul 02.

b. Prior Sv: (1) AFRes 9 Nov 01 - 18 Dec 01 (1 month 10 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Dec 01 for 6 yrs. Svd: 01 Yrs 09 Mo 01 Das, all AMS.

b. Grade Status: AB - 14 Feb 03 (Vacation, 27 Mar 03)
Amn - 14 Feb 03 (Article 15, 14 Feb 03)
A1C - 26 Jul 02

c. Time Lost: None.

d. Art 15's: (1) 28 Mar 03, Vacation, Malmstrom AFB, MT - Article 134. You, having been restricted to the limits of Malmstrom AFB, Montana, by a person authorized to do so, did, at or near Great Falls, Montana, on or about 16 Mar 03, break said restriction. Reduction to AB. (No appeal) (No mitigation)

(2) 14 Feb 03, Malmstrom AFB, MT - Article 92. You, who knew or should have known of your duties, on or about 19 Jan 03, were derelict in the performance of those duties in that you willfully failed to refrain from possessing alcoholic beverages while under the age of 21 years, as it was your duty to do. Reduction to AB (reduction below Airman suspended). Restriction to Malmstrom AFB, Montana for 45 days. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 25 AUG 03 - Civil arrest for DUI and failing to have proof of insurance.
LOR/UIF, 25 AUG 03 - Dereliction of duty.
LOR/UIF, 20 DEC 02 - Reporting to work hung over and smelling of alcohol. He was found unfit for duty.

LOC, 21 OCT 02 - Failed to go.
LOC, 26 SEP 02 - Late for work.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, AFOUA.
- i. Stmt of Sv: TMS: (01) Yrs (10) Mos (11) Das
TAMS: (01) Yrs (09) Mos (01) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Oct 06.
(Change Discharge to Honorable, and to Change the RE Code, Reason for Discharge)

Issue 1: I am requesting a change in reason of discharge because I feel that though my Military Personnel File does not show it, I was very good at my job. My time serving in the Air Force was shortened due to lapses in judgement (sic) on my own part. I did, however, contribute many hours of community service, and participation in base exercises. I have a strong sense of pride and love for our country, and if given the chance, would like an opportunity to serve in the Armed Forces like I should have the first time.

ATCH
None.

30NOV06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 341ST SPACE WING (AFSPC)

FD2006-00423

8 Sept 03
(Date)

MEMORANDUM FOR 341 MMXS (ATTN: AB: [redacted])

FROM: 341 MMXS/CC [redacted]

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. 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 26 Sep 02, you were late for work. You were late for work on several different occasions. For this misconduct you received a letter of counseling (LOC) dated 26 Sep 02.

b. On 20 Oct 02, you failed to report for duty as directed. For this misconduct, you received an LOC dated 21 Oct 02.

c. On 11 Dec 02, you showed up for work hung over and smelling like alcohol. Your mental and physical state was deemed unsatisfactory and unfit by your team chief and shop trainers resulting in the termination of scheduled training. For this misconduct, you received a letter of reprimand (LOR) date 20 Dec 02 and an unfavorable information file was established.

d. On or about 19 Jan 03, you were derelict in the performance of duties in that you willfully failed to refrain from possessing alcoholic beverages while under the age of 21 years. For this misconduct, you received an Article 15 dated 13 Feb 03 with the following punishment: reduction to the rank of airman basic effective 14 Feb 03 with reduction below airman suspension until 13 Aug 03, and restriction to base for 45 days.

e. On or about 16 Mar 03, you broke your restriction to base. For this action, the suspended punishment of the Article 15 was vacated and you received the following punishment: reduction to airman basic effective 14 Feb 03.

f. On 15 Aug, you were arrested and detained downtown for driving while under the influence of alcohol and failing to have proof of insurance while operating a motor vehicle. You were convicted of driving under the influence, which you pled guilty. You were sentenced to 10 days suspended confinement and fined \$360. For this misconduct, your driving privileges were suspended until further notice and you received an LOR dated 25 Aug 03.

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g. On 20 Aug 03, you were assigned to the Central Dorm Management Office as a bay orderly. Upon arrival, you were explained the rules and requirements associated with this tasking. You had to sign a letter with these same rules spelled out. That same day, you were caught numerous times taking breaks in the day room and on one occasion taking a nap. You were escorted to the MMXS first sergeant, where you were counseled on your behavior. On 22 Aug 03, you were found sleeping in the storage closet of dorm 764. For these incidents, you received an LOR dated 25 Aug 03.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial 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 any special pay, bonus, 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 the Area Defense Counsel, x4723, 7015 Goddard Drive, Bldg 145, Room 144 on 8 Sept 03 at 1330. 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 by COB 11 Sept 03 (3 duty days) unless you request and receive an extension for good cause shown. I will send all submitted statements to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to the 341st Medical Group Force Health Management Section, x4405, at 0900 hours on 9 Sept 03 for the examination. You **MUST** be in uniform for this appointment. If you wear glasses, you must also bring them to this appointment.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, *Administrative Separation of Airmen*, is available for your use at your orderly room.

FD 2006-00433

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



Commander, 341st Missile Maintenance

Squadron

Attachments:

1. Supporting documents:
 - a. UIF Summary
 - b. LOC dated 26 Sep 02
 - c. LOC dated 21 Oct 02
 - d. LOR dated 20 Dec 02/UIF date 21 Jan 03
 - e. Article 15 dated 13 Feb 03
 - f. Vacation of Suspension dated 27 Mar 03
 - g. LOR dated 25 Aug 03
 - h. LOR dated 25 Aug 03
 - i. Documents in Attachment 6
2. Airman's Receipt of Notification Memorandum