

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
---	-----------------	---

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
-----------------	----------------------------	----------	----------------------

COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.01 A92.03 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 10 May 2007	CASE NUMBER FD-2006-00448	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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: 5/15/2007
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-2006-00448

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.

ISSUE:

Issue 1. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He admits that he made a mistake and instead of dealing with his problems due to a divorce, he turned to alcohol. The records indicated the applicant received three Article 15s for misconduct. His first Article 15 was for driving while under the influence of alcohol. He was punished with a reduction in grade to Senior Airman, fourteen days of extra duty, and a reprimand. His second Article 15 was for being drunk and disorderly. For this misconduct, he was reduced in grade to Airman First Class. His third and final Article 15 was for being drunk and disorderly. He was reduced in grade to Airman Basic and restricted to base for 60 days. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's 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 states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, awards and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 AB) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Wright Patterson AFB, OH on 4 Jul 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 30 Jan 73. Enlmt Age: 24 7/12. Disch Age: 29 5/12. Educ: HS DIPL. AFQT: N/A. A-53, E-76, G-64, M-78. PAFSC: 2A571 - Repair & Reclamation Journeyman. DAS: 4 Dec 01.

b. Prior Sv: (1) AFRes 28 Mar 91 - 17 Sep 91 (5 months 20 days) (Inactive).

(2) Enlisted as AB 18 Sep 91 for 4 years. Svd: 04 Yrs 00 Mo 00 Das, all AMS. EPRs: 4,4,4.

(3) Enlisted as SrA 28 Sep 97 for 4 years. Svd: 03 Yrs 02 Mos 03 Das, all AMS. SSGT - 1 Apr 00. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSGT 1 Dec 00 for 6 years. Svd: 01 Yrs 07 Mo 04 Das, all AMS.

b. Grade Status: AB - 16 May 02 (Article 15, 16 May 02)
A1C - 18 Apr 02 (Article 15, 18 Apr 02)
SrA - 12 Mar 02 (Article 15, 12 Mar 02)

c. Time Lost: None.

d. Art 15's: (1) 16 May 02, Yokota AB, Japan - Article 134. You were, on or about 2 May 02, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. Reduction to AB and restriction to Yokota AB Japan for 60 days. (No appeal) (No mitigation)

(2) 18 Apr 02, Yokota AB, Japan - Article 134. You were, at or near Fussa-shi, Tokyo, on or about 31 Mar 02, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. Reduction to A1C. (No appeal) (No mitigation)

(3) 12 Mar 02, Yokota AB, Japan - Article 111. You did, on or about 27 Feb 02 at the intersection of Mitchell Street and McGuire Ave physically control a vehicle, to wit: a passenger car while the alcohol concentration in

your blood was 0.10 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. Reduction to SrA, fourteen days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 2 Mar 00 - 01 Mar 01 Moody AFB 5 (Annual)
2 Mar 01 - 20 Oct 01 Moody AFB 5 (CRO)

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

i. Stmt of Sv: TMS: (10) Yrs (02) Mos (27) Das
TAMS: (09) Yrs (09) Mos (07) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Oct 06.
(Change Discharge to Honorable.)

Issue 1: I was enlisted since 1991 with honorable service. I advanced in rank and responsibilities and was at the time going to make the military a career. I know my actions was not becoming of an Air Force NCO however I hope that my 10+ years is not in vain. I made the mistake of turning to alcohol because of my divorce rather than dealing with my problems. I now have a career outside the military and have maintained a clean record. I support several charities and try to help the community as much as I can.

Issue 2: I wish to continue my education to better my life for myself and my family. I would like to know that what I gave to my country is viewed as honorable, not tarnished from a moment of bad decisions and weakness.

ATCH
None.

26Jan07/day



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES



U.S. AIR FORCE

28 May 02

MEMORANDUM FOR AB: [redacted] 36 AS

FROM: 36 AS/CC

SUBJECT: Notification Memorandum – Board Hearing

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions according to AFPD 36-32, Military Retirements and Separations, and AFI 36-3208, Administrative Separation of Airmen, under the provisions of section H, paragraph 5.49. 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 27 Feb 02, you physically controlled a vehicle while the alcohol concentration in your blood was .10 grams of alcohol per 100 milliliters of blood or greater as shown by chemical analysis. This is evidenced by the Article 15 dated 22 Mar 02 and the establishment of an Unfavorable Information File.

b. On or about 31 Mar 02, you were drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. This is evidenced by the Article 15 dated 23 Apr 02 and an entry made into your existing Unfavorable Information File.

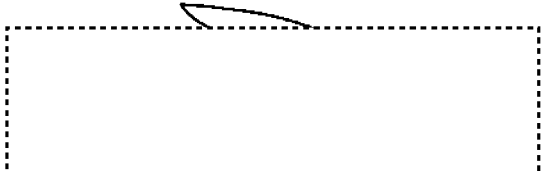
c. On or about 2 May 02, you were drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. This is evidenced by the Article 15 dated 21 May 02 and an entry made into your existing Unfavorable Information File.

3. This action could result in your separation with Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that you receive a general. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. 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. In addition, special pay, bonus, or education assistance funds may be subjected to recoupment.

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 have been scheduled for a medical examination. You must report to the Yokota Medical Facility, Physical Exams Section by 22 May 02 hours on _____ for the examination. If you wear eyeglasses or contact lenses, bring them to the exam with you. If you wear contact lenses, bring a container to place them in during the exam.
 6. Military legal counsel, Captain: _____ at the Area Defense Counsel's office, Building 708, telephone number 225-8114, has been obtained to assist you. An appointment has been scheduled for you to consult him on 22 May 02 at _____ hours. 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 AFI 51-201. 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 **seven (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 your right to the board hearing.
 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 at the 374th Communication Squadron's Master Reference Library.
 9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
 10. The discharge board or the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).
 11. Execute the attached acknowledgment and return it to me immediately.



 Commander

- 4 Attachments
1. Article 15 (22 Mar 02)

2. Article 15 (23 Apr 02)
3. Article 15 (21 May 02)
4. Unfavorable Information File Summary

Acknowledge Receipt

