

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; width: 150px; height: 20px; margin-top: 5px;"></div>				GRADE SRA		AFSN/SSAN <div style="border: 1px dashed black; width: 100px; height: 20px; margin-top: 5px;"></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	UOTHC	OTHER	DENY
								X**+
								X**+
								X**+
								X**+
								X**+
ISSUES A94.05		INDEX NUMBER A49.00		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-2006-00453						
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>* Reason and Authority + Reenlistment Code</p> <div style="border: 1px dashed black; width: 100%; height: 40px; margin-top: 20px;"></div>								
INDORSEMENT				DATE: 5/23/2007				
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-2006-00453

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 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 and authority 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:

Applicant contends discharge was inequitable because it was too harsh and based on one isolated incident after 26 months of service. The applicant has also expressed a desire for upgrade of his discharge to qualify for reenlistment into the armed forces. The records indicated the applicant received a Letter of Reprimand for driving under the influence of alcohol. The records also indicated the reason for discharge was for unsatisfactory performance. The applicant was notified by memorandum on May 10, 2005 that he was being discharged for having nine or more of unexcused absences. At that time, he had fifteen days to respond to the memorandum, in which he failed to respond. 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.

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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAFR Portland IAP, OR on 16 Aug 05 UP AFI 36-3209, para 3.13.2 (Unsatisfactory Participation). Appeals for Honorable Discharge, to Change the RE Code, and the Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 21 May 64. Enlmt Age: 18 8/12. Disch Age: 41 2/12. Educ: HS DIPL. AFQT: N/A. A-86, E-89, G-90, M-89. PAFSC: 4N051 - Medical Services Apprentice. DAS: 9 Feb 04.

b. Prior Sv: (1) USN 01 Feb 83 - 13 Dec 89, Svd: 6 yrs 10 months 12 days, of which AMS 6 yrs 0 months 0 days.

3. **SERVICE UNDER REVIEW:**

a. Enlisted USAFRes as SrA 23 May 02 for 6 yrs. Svd: 03 Yrs 02 Mo 24 Das, of which AMS is 07 months 26 days.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 11 JAN 05 - Driving under the influence of alcohol.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: SRASDR, SASR, NAVYGCM.

i. Stmt of Sv: TMS: (10) Yrs (01) Mos (07) Das
TAMS: (06) Yrs (07) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 24 Nov 06.

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

Issue 1: My discharge was inequitable because it was based upon an isolated incident after 26 months of exemplary service and outstanding academic achievement. I was fired from my GS-7 ART position with the USAFR due to a misdemeanor DUI that I received in August 2004. I didn't drill with my unit for several months afterward because my driver's license was suspended. I notified

my First Sergeant as well as numerous other people. I was told the absences were excused. I received a phone call from the 939 MDS Squadron commander informing me that he would, "hate to see my excused absences turn into unexcused absences."

Several weeks after my telephone conversation with Colonel [REDACTED]; I was notified that my previously excused absences were now being changed to unexcused and I was being processed for dismissal from the US Air Force Reserve. I felt that my punishment was too severe for one isolated incident. I would like to rejoin the US Air Force Reserve or Air National Guard and sincerely hope that my request is approved.

ATCH

None.

18JAN07/ia



DEPARTMENT OF THE AIR FORCE

AIR FORCE RESERVE COMMAND

FD 2006-00453

MAY 10 2005

MEMORANDUM FOR SRA:

FROM: HQ AFRC/DPM
155 Richard Ray Blvd
Robins AFB GA 31098-1635

SUBJECT: Notification of Initiation of Separation Action Under AFI 36-3209

1. By this memorandum, separation action is being initiated to separate you for unsatisfactory participation. The authority for this separation action is AFI 36-3209, Chapter 3, paragraphs 3.13.2. Information regarding your entitlement to submit statements about your case, the lawful usage of such statements and their disclosure is provided in the attached Privacy Act Statement (Atch 1). A description of the reasons for this separation action is set forth in the attached Statement of Reasons (Atch 2) along with supporting documents. AFI 36-3209 is available for your review at your servicing Military Personnel Flight. The types of separation authorized are Honorable, General (Under Honorable Conditions) and Under Other Than Honorable Conditions Discharge. The type of separation recommended in your case is a General (Under Honorable Conditions) Discharge.

2. Within 24 hours after you receive this memorandum, you must complete and return the attached acknowledgment of receipt (Atch 3) of this memorandum and the attachments thereto.

3. The following is a summary of your rights:

a. You are entitled to consult with a military legal counsel who is qualified under Article 27(B)(1), Uniform Code of Military Justice (UCMJ), at no cost to you. You may also consult with civilian legal counsel of your choice, but at your own expense. Captain a Judge Advocate who is qualified under Article 27(B)(1), UCMJ, has been designated to represent you in connection with this separation action. Her mailing address is HQ AFRC/JAS, 255 Richard Ray Blvd, Ste 227, Robins AFB GA 31098-1637. Her phone numbers are DSN 497-1588, toll free 1-800-458-5391, commercial (478) 327-1588, or fax commercial (478) 327-0032, fax DSN 497-0032.

b. You have the right to submit pertinent statements and/or documents in your behalf which you desire to be considered in the disposition of your case. If you elect to exercise your right to submit statements, and you return the attached form (Atch 4) within 15 days of receipt, you may submit statements or documents at any time during the administrative discharge process. Your decision on requesting or waiving the board hearing does not affect your right to submit statements or documents during the administrative discharge process. The form must be signed either by you or your legal counsel and returned to HQ AFRC/DPM, 155 Richard Ray Blvd, Robins AFB GA 31098-1635.

c. If you need additional time to respond to this separation action, either you or your legal counsel may submit a written request to HQ AFRC/DPM, 155 Richard Ray Blvd, Robins AFB GA 31098-1635, for an extension of time, stating why you need the extra time and how much you'll need. The request must be submitted in sufficient time to reach this office within 15 days after receipt of this memorandum.

4. You are eligible for an administrative discharge board. Within 15 days after you receive this memorandum, you may request to have your case heard by an administrative discharge board at this headquarters by completing and returning the attached form (Atch 5) requesting a board hearing. If you desire a board hearing, you must mail the completed form in sufficient time to reach this headquarters within 15 days after your receipt of this memorandum. Otherwise, your right to have your case heard by an administrative discharge board will be considered waived. Within 15 days after you receive this memorandum, you may waive your right to have your case heard by an administrative discharge board by completing and returning the attached form (Atch 6), evidencing your waiver. All evidence to be submitted to the board for the hearing in chief will be provided to the opposing party no later than five business days prior to the scheduled hearing. This includes a list of expected witness and a summary of expected testimony. Failure to comply may cause a delay or significant recess in the hearing. Information regarding an administrative discharge board is provided at Attachment 7.

5. You are not eligible to apply for transfer to the Retired Reserve.

6. You should note that failure to respond on the selection of one of these options, or failure to request a delay within 15 days after you receive this memorandum, will constitute waiver of all your rights. This includes the right to have your case heard by an administrative discharge board, and will result in your case being processed on the basis of all the evidence then available.

7. Return envelopes are attached (Atch 8) for your convenience.


Deputy Chief, Military Personnel Division
Directorate of Personnel

Attachments:

1. Privacy Act Statement
2. Statement of Reasons w/Supporting Documentation
3. Acknowledgment of Receipt
4. Selection of Rights
5. Request for Board Hearing
6. Waiver of Board Hearing
7. Discharge Board Info
8. Envelopes (2)

cc:

HQ AFRC/JAS