

# 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 <b>A1C</b>		AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		
TYPE GEN		PERSONAL APPEARANCE			<b>X</b>		RECORD REVIEW		
COUNSEL YES <input type="checkbox"/> No <input checked="" type="checkbox"/>		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBER SITTING					VOTE OF THE BOARD				
					HON	GEN	UOTHC	OTHER	DENY
									X
									X
									X
									X
									X
ISSUES <b>A93.01</b>		INDEX NUMBER <b>A67.10</b>			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 <b>10 May 2007</b>		CASE NUMBER <b>FD-2006-00468</b>							
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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>									
<div style="border: 1px dashed black; height: 40px; width: 100%;"></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-2006-00468**

**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:**

The applicant realized his actions while in the military were unacceptable and requested that the review be completed based on the available service record. He admits that he was young and made mistakes. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated the applicant received an Article 15, a Letter of Reprimand, and three Memorandums for misconduct. The applicant received an Article 15 for failing to refrain from using alcoholic beverages while under the age of twenty-one. He was punished with a suspended reduction in grade to Airman, suspended forfeiture of pay, and forty-five days of extra duty. The applicant had additional misconduct and was administratively disciplined for failure to show on three separate occasions for Primary Care appointments and found guilty by civilian authorities for falsifying his identification and illegal consumption. 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 A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Minot AFB, ND on 28 Sep 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 11 Jun 79. Enlmt Age: 18 1/12. Disch Age: 20 3/12. Educ: HS DIPL. AFQT: N/A. A-85, E-48, G-36, M-17. PAFSC: 3P031 - Security Forces Apprentice. DAS: 20 Mar 98.

b. Prior Sv: (1) AFRes 17 Jul 97 - 21 Oct 97 (3 months 5 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 22 Oct 97 for 4 yrs. Svd: 01 Yrs 11 Mo 07 Das, all AMS.

b. Grade Status: A1C - 22 Feb 99  
Amn - 22 Apr 98

c. Time Lost: None.

d. Art 15's: (1) 19 Aug 99, Minot AFB, ND - Article 92. You, who knew of your duty, on or about 19 Jul 99, were derelict in the performance of that duty in that you willfully failed to refrain from using alcoholic beverages while under the age of twenty-one years of age, as it was your duty to do. Suspended reduction to Airman. Suspended forfeiture of \$200.00 pay. Forty five days extra duty. (No appeal) (No mitigation)

e. Additional: MEMO, 16 FEB 99 - No show for Primary Care appointment.  
MEMO, 05 FEB 99 - No show for Primary Care appointment.  
MEMO, 04 FEB 99 - No show for Primary Care appointment.  
LOR/UIF, 03 FEB 99 - Pled guilty and was found guilty in Civil Court of Falsifying Identification and Illegal Consumption, which are class B Misdemeanors.

f. CM: None.

g. Record of SV: 22 Oct 97 - 21 Jun 99 Minot AFB 3 (Initial)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (02) Mos (12) Das  
TAMS: (01) Yrs (11) Mos (07) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 03 Dec 06.  
(Change Discharge to Honorable)

Issue 1: I was young, on my own, had no family support, and frustrated. I made mistakes. But have two daughters now, and would like to better my life and theirs.

ATCH

None.

02FEB07/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 6TH BOMB WING (ACC)  
MINOT AIR FORCE BASE, NORTH DAKOTA

FD 7006-00405  
U.S. AIR FORCE



1947 - 1997

MEMORANDUM FOR A1C: [REDACTED]

742 MS

9 SEP 1999

FROM: 742 MS/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.49.

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as general or honorable. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 14 Dec 98, following a guilty plea, you were convicted by Ward County Municipal Court for underage possession of alcohol and false identification in a bar or misrepresentation of your age. You were sentenced to 3 days (3 days suspended on good behavior) and fined \$275.00. On 3 Feb 99 you were given a Letter of Reprimand and an Unfavorable Information File was established. (Atch 3-6)

b. On or about 4 Feb 99, you failed to go at the time prescribed to your appointed place of duty, a scheduled medical appointment in the Wolves clinic. (Atch 7)

c. On or about 5 Feb 99, you failed to go at the time prescribed to your appointed place of duty, a scheduled medical appointment in the Wolves clinic. (Atch 8)

d. On or about 16 Feb 99, you failed to go at the time prescribed to your appointed place of duty, a scheduled medical appointment in the Wolves clinic. (Atch 9)

e. On or about 19 Jul 99, you were given an order not to come in contact with a specific military member. (Atch 10)

f. On or about 19 Jul 99, you were derelict in the performance of your duties in that you used alcoholic beverages while under the age of twenty-one. You were punished under Article 15 of the UCMJ on 24 Aug 99 and an Unfavorable Information File was established. (Atch 11-32)

3. The Letter of Notification with attachments will be forwarded to the separation authority in support of this recommendation. The Commander exercising SPCM jurisdiction (5 BW/CC) 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.

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 Captain: \_\_\_\_\_ Area Defense Counsel, at his office, 300 Summit Drive, Room 306A at 0900 hours on 9 Sep, 1999. 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 1200 hours, on 13 Sep 99 1999, unless you request and receive an extension for good cause shown. I will send them 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 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND at 1330 hours, on 4 Sep, 1999 for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.

8. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.

9. Sign the attached acknowledgment and the Statement of Understanding and return them to me immediately.

\_\_\_\_\_

Commander, 742nd Missile Squadron

Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. Letter of Reprimand, 3 Feb 99
4. AF FM 1058, Unfavorable Information File Action, 3 Feb 99
5. North Dakota Uniform Complaint and Summons, 5 Dec 98
6. North Dakota Uniform Complaint and Summons, 5 Dec 98
7. "No Show" for Scheduled Hospital Appointment, 12 Feb 99
8. "No Show" for Scheduled Hospital Appointment, 12 Feb 99

9. "No Show" for Scheduled Hospital Appointment, 16 Feb 99

10. No Contact Order, 19 Jul 99

(Continued on next page)

11. AF FM 3070, Record of Nonjudicial Punishment Proceedings, 30 Aug 99

12. AF FM 3545, Incident Report, 19 Jul 99

13. AF FM 1168, Statement of Witness/Complainant, Amn [redacted], 23 Jul 99

14. AF FM 1168, Statement of Suspect, A1C [redacted], 20 Jul 99

15. DD FM 1920, Alcoholic Influence Report, A1C [redacted], no date

16. AF FM 1168, Statement of A1C [redacted], 25 Jul 99

17. AF FM 1168, Statement of Suspect, A1C [redacted], 20 Jul 99

18. DD FM 1920, Alcoholic Influence Report, A1C [redacted], no date

19. AF FM 1168, Statement of Suspect, A1C [redacted], 28 Jul 99

20. AF FM 1168, Statement of Witness/Complainant, A1C [redacted], 21 Jul 99/0015

21. AF FM 1168, Statement of Suspect, A1C [redacted], 21 Jul 99/0217

22. AF FM 1168, Statement of Witness/Complainant, A1C [redacted], 21 Jul 99

23. AF FM 1168, Statement of Witness/Complainant, A1C [redacted], 23 Jul 99

24. AF FM 1168, Statement of Suspect, A1C [redacted], 20 Jul 99

25. DD FM 1920, Alcoholic Influence Report, A1C [redacted], no date

26. AF FM 1168, Statement of Suspect, A1C [redacted], 20 Jul 99

27. DD FM 1920, Alcoholic Influence Report, A1C [redacted], no date

28. AF FM 1168, Statement of Suspect, A1C [redacted], 20 Jul 99

29. DD FM 1920, Alcoholic Influence Report, A1C [redacted], no date

30. FM 106-I, Intoxilyser Test Record and Checklist, A1C [redacted], 20 Jul 99

31. Response to Proposed Article 15, 11 Aug 99

32. Financial Statement, A1C [redacted], no date