

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 SRA		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 <div style="border: 1px dashed black; height: 150px; width: 100%;"></div>				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								X
								X
								X
								X
ISSUES A94.53		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 08 May 2007		CASE NUMBER FD-2007-00016						
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, 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-2007-00016

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The applicant submitted no issues and requested that the review be completed based on the available service record. 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 and three Letters of Reprimand for misconduct. The applicant received an Article 15 for driving while drunk and driving on Keesler AFB when driving privileges had been revoked. He was punished with a reduction in grade to Senior Airman. The records also indicated applicant was administratively disciplined for financial irresponsibility, driving a vehicle while under revocation of driving privileges and lying about it, and driving a vehicle off base while drunk and cited by civilian police. 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

[REDACTED] (Former SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Keesler AFB, MS on 18 Mar 94 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Sep 61. Enlmt Age: 21 4/12. Disch Age: 32 5/12. Educ: HS DIPL. AFQT: N/A. A-47, E-54, G-55, M-22. PAFSC: 3V051 - Visual Information Journeyman. DAS: 23 Aug 92.

b. Prior Sv: (1) AFRes 10 Feb 83 - 30 May 83 (2 months 21 days) (Inactive).

(2) Enlisted as A1C 31 May 83 for 4 years. Reenlisted 12 Mar 87 for 4 years. Svd: 7 years 6 months 11 days. SrA : 30 Sep 85. SSGT - 1 Apr 90. APRs: 8,9,9,9, 9,9,9,9. EPR: 4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSGT 12 Dec 90 for 4 years. Svd: 03 Yrs 03 Mo 07 Das, all AMS.

b. Grade Status: SrA - 18 Oct 93 (Article 15 - 18 Oct 93)

c. Time Lost: None.

d. Art 15's: (1) 18 Oct 93, Keesler AFB, MS - Article 111. You did, on or about 3 Oct 93, on Vandenberg Drive, operate a vehicle, to wit: a passenger car, while drunk. Article 92. You, having knowledge of a lawful order issued by Lt Col [REDACTED], to wit: Notice of Revocation of Driving Privileges dated 19 Jul 93, an order which it was your duty to obey, did, on or about 3 Oct 93 fail to obey the same by wrongfully driving on Keesler AFB. Reduction to SrA. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 20 JAN 94 - Driving a vehicle while under revocation of driving privileges and lying about it.

LOR/UIF, 11 JUN 93 - Financial irresponsibility.

LOR/UIF, 01 JUN 93 - Operating a vehicle off base while drunk and cited by civilian police.

f. CM: None.

g. Record of SV: 28 Sep 90 - 26 May 91 Grissom AFB 5 (CRO)

27 May 91 - 26 Jan 92 Osan AB 5 (CRO)
27 Jan 92 - 06 Jul 92 Osan AB 5 (CRO)
07 Jul 92 - 06 Jul 93 Keesler AFB 2 (Annual)REF

h. Awards & Decs: NCOPME W/1 DEV, NDSM, AFOSSTR W/1 DEV, AFTR, AFLSA W/1 DEV, AFGCM, W/2 DEV, AFCM W/1 DEV.

i. Stmt of Sv: TMS: (11) Yrs (01) Mos (09) Das
TAMS: (10) Yrs (09) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 7 Jan 07.
(Change Discharge to Honorable.)

NO ISSUES SUBMITTED.

ATCH

1. Resume.
2. Statement of confirmation.
3. Baptismal letter.

8MAR07/day



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR WEATHER SERVICE
SCOTT AIR FORCE BASE, ILLINOIS 62225-5008

4 Feb 94

MEMORANDUM FOR Det 5 HQ AWS

ATTENTION: SrA [REDACTED]

FROM: DET 5, HQ AWS/CC

SUBJECT: Notification Letter -- Board Hearing - ACTION MEMORANDUM

1. I am recommending your discharge from the United States Air Force for Misconduct (Minor Disciplinary Infractions) according to AFR 39-10, under the provisions of paragraph 5-46. 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 22 May 93, at Gulfport, MS, you committed the offense of driving while intoxicated, for which you received civil punishment of a fine of \$550 and confiscation of your Drivers license. You also received a Letter of Reprimand dated 1 Jun 93, (Atch 1, Appendix A), which was used to open a UIF, and your base driving privileges were revoked for 1 year.
 - (b). On or about 30 Nov 92, 12 Mar 93 and 31 May 93, at Keesler AFB, MS, you committed acts of financial irresponsibility, for which were verbally counseled and received a Letter of Reprimand dated 11 Jun 93. (Atch 1, Appendix B)
 - (c). On or about 3 Oct 93, at Keesler AFB, MS, you committed the offense of driving while intoxicated, and the offense of driving on Keesler without base driving privileges for which you received Article 15 punishment on 18 Oct 93. The punishment was, reduction to grade of Senior Airman, effective 18 Oct 93 and the revocation of base driving privileges for an additional 2 years, for a total of 3 years. (Atch 1, Appendix C)
 - (d). On or about 23 and 30 Dec 93, at Keesler AFB, MS, you committed the offense of driving on Keesler without base driving privileges and making a false official statement during the investigation for which you received a Letter of Reprimand on 20 Jan 94. (Atch 1, Appendix D)
3. This action could result in your separation with an Under Other Than Honorable Conditions discharge. I am recommending that you receive a general discharge. 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.

Atchb1 (1 of 2)

WAB 4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board hearing.
- 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.

WAB 5. You have been scheduled for a medical examination. You must report to the 81st Medical Group Physical Exams section, extension 6680, at 0700 on 9 Feb 94.

WAB 6. Military legal counsel Capt. [redacted] Area Defense Counsel, extensions 2429/3722, has been obtained to assist you. An appointment has been scheduled for you to consult her on at 0800 on 7 Feb 94 in building 0701, room 124. 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 AFR 111-1. 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.

WAB 7. Confer with your counsel and reply, in writing, within 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 the right to the board hearing.

WAB 8. 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 the Det 5, HQ AWS orderly room and must be returned to the orderly room when the case is complete.

WAB 9. Execute the attached acknowledgment and return to me immediately.

[Redacted Signature Box]

Commander

Attachments

1. Letter of Reprimand, 1 Jun 93, w/atchs
2. Letter of Reprimand, 11 Jun 93, w/atchs
3. AF Form 3070, 18 Oct 93, w/atchs
4. Letter of Reprimand, 20 Jan 94, w/atchs
5. Airman's acknowledgment *(See atch 2 of 4 Feb 94 Recommendation for Discharge)* (2 of 2)