

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN		
					AB				
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		INDEX NUMBER			EXHIBITS SUBMITTED TO THE BOARD				
A92.21 A94.05		A67.10			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 IIE									
HEARING DATE		CASE NUMBER							
29 Jun 2007		FD-2007-00037							
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> <p>+ Reenlistment Code</p>									
ENDORSEMENT					DATE: 7/16/2007				
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-2007-00037

GENERAL: The applicant appeals for upgrade of discharge to honorable 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 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:

Issue 1. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s for misconduct. His first Article 15 was for failing to refrain from having an unauthorized minor in the dormitories and for underage drinking. He was punished with a reduction in grade to Airman Basic, 30 days of extra duty, and a reprimand. The second Article 15 was for underage drinking and failure to go to his appointed place of duty. He was disciplined with a reduction in grade to Airman Basic, restricted to Holloman AFB for 30 days, 30 days of extra duty, and a reprimand. 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. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Holloman AFB, NM on 25 Feb 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 24 Jan 83. Enlmt Age: 18 1/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-42, E-36, G-44, M-36. PAFSC: 3M031 - Services Apprentice. DAS: 4 Feb 02.

b. Prior Sv: (1) AFRes 15 Mar 01 - 01 Oct 01 (6 months 17 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Oct 01 for 4 yrs. Svd: 01 Yrs 04 Mo 24 Das, all AMS.

b. Grade Status: AB - 23 Dec 02 (Article 15, 23 Dec 02)
Amn - 23 Oct 02
AB - 23 Apr 02 (Article 15, 23 Apr 02)
Amn - 02 Apr 02

c. Time Lost: None.

d. Art 15's: (1) 23 Dec 02, Holloman AFB, NM - Article 92. You, who knew or should have known of your duties, on or about 7 Dec 02, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do. Article 86. You did, on or about 7 Dec 02, without authority, go from your appointed place of duty, to wit: Building 274. Reduction to AB. Restriction to the limits of Holloman AFB, NM for 30 days, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 23 Apr 02, Holloman AFB, NM - Article 92. You, who knew or should have known of your duties, on or about 31 Mar 02, were derelict in the performance of those duties in that you willfully failed to refrain from having an unauthorized minor in the dormitories, as it was your duty to do so. Article 92. You, who knew or should have known of your duties, on or about 31 Mar 02, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcoholic beverages while under the age of 21, as it was your duty to do. Article 92. You, who knew or should have known

of your duties, on or about 4 Apr 02, were derelict in the performance of those duties in that you willfully failed to refrain from having an unauthorized minor in the dormitories, as it was your duty to do. Reduction to AB, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (11) Mos (11) Das
TAMS: (01) Yrs (04) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 29 Jan 07.
(Change Discharge to Honorable, and Change the RE Code.)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

15MAR07/ia

APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

Form Approved

OMB No. 0704-0004

Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

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PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one)	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	E-1/AB				
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		5. BOARD ACTION REQUESTED (X one)		
20030225	<input checked="" type="checkbox"/> HONORABLE		<input checked="" type="checkbox"/> CHANGE TO HONORABLE		
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS		
	UNDER OTHER THAN HONORABLE CONDITIONS		CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)		
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	BAD CONDUCT (Special court-martial only)		CHANGE NARRATIVE REASON FOR SEPARATION TO:		
Holloman Air Force Base	UNCHARACTERIZED				
	OTHER (Explain)				

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

While serving our country at Holloman Air Force Base in Alamogordo, New Mexico, I was arrested for underage drinking. During this time my fiancé at the time had been visiting me fell three stories down from the dorms fracturing her pelvis and leaving her unconscious. A month later, two days before our wedding was scheduled, she decided that I wasn't the one for her and left me. This now had me depressed and confused. When I returned to base I intended AA classes until I was discharged and asked to leave

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD)

AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17.

If military documents or medical records are relevant to your case, please send copies.)

9. TYPE OF REVIEW REQUESTED (X one)

<input checked="" type="checkbox"/>	CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
<input type="checkbox"/>	I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
<input type="checkbox"/>	I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)

b. TELEPHONE NUMBER (Include Area Code)

c. E-MAIL

d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

CASE NUMBER

(Do not write in this space.)

b. DATE SIGNED - REQUIRED (YYYYMMDD)
20070219

14. CONTINUATION OF ITEM 6, ISSUES (If applicable)

the base. After returning to my home town, I cleaned up my act and got a job, which I have held consistently for three years now. I also chose to help out in several volunteer activities around the neighborhood. Now while working two jobs, I have met my fiancé, to whom I am marrying August 11th, 2007. I am also in the process of building our new two story home. May I also add that I have matured and learned a great deal since separating from the service. I have not been arrested or reprimanded for anything. I ask that you consider all this when making your decision to my request. The reason I ask you for this request is for me to continue my interview at the Federal Prison. Being re-eligible for the military is one of their qualifications. With this job I can secure the payment for my house and take better care of my family and I. Thank you for you time.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)**16. REMARKS (If applicable)****MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.****ARMY**

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kannon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-6023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 49TH FIGHTER WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

FD2007-00037

MEMORANDUM FOR AB: [REDACTED]

21 JAN 2003

FROM: 49 SVS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, *Administrative Separation of Airmen*, Section 5H, paragraph 5.49. If my recommendation is approved, you will receive an honorable or an under honorable conditions (general) service characterization. I am recommending that you receive an under honorable conditions (general) service characterization.

2. My reasons for this action are as follows:

a. You, who knew or should have known of your duties at or near Holloman AFB, NM, on or about 7 December 2002, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do.

You did, at or near Holloman AFB, NM, on or about 7 December 2002, without authority, go from your appointed place of duty, to wit: Bldg 274.

For your misconduct, you received Article 15 punishment consisting of reduction to the grade of airman basic, 30 days restriction to Holloman AFB, NM, 30 days extra duty and a reprimand.

b. You, who knew or should have known of your duties at or near Holloman AFB, NM, on or about 31 March 2002, were derelict in the performance of your duties in that you willfully failed to refrain from having an unauthorized minor in the dormitories and willfully failed to refrain from consuming alcohol while under the age of 21, as it was your duty to do. As a result of this incident, your minor visitor, who was intoxicated, fell off a third story balcony and sustained several injuries requiring medical treatment.

You, who knew or should have known of your duties at or near Holloman AFB, NM, on or about 4 April 2002, were derelict in the performance of those duties in that you willfully failed to refrain from having an unauthorized minor in the dormitories, as it was your duty to do so. Despite having been briefed about minors in the dorms after the 31 March 2002 incident, you disregarded base regulations and again brought a minor visitor into the dorms.

For your misconduct, you received Article 15 punishment consisting of reduction to the grade of airman basic, 30 days extra duty and a reprimand.

Global Power for America

i. Record of Disciplinary Actions by Court-Martial and Article 15, UCMJ:

a. Article 15 w/UIF dated 23 December 2002:

(1) Respondent, who knew or should have known of his duties at or near Holloman AFB, NM, on or about 7 December 2002, was derelict in the performance of his duties in that he willfully failed to refrain from consuming alcohol while under the age of 21, as it was his duty to do.

(2) Respondent did, at or near Holloman AFB, NM, on or about 7 December 2002, without authority, go from his appointed place of duty, to wit: Bldg 274.

- Respondent received Article 15 punishment consisting of reduction to the grade of airman basic, 30 days restriction to Holloman AFB, NM, 30 days extra duty and a reprimand.

b. Article 15 w/UIF dated 23 April 2002:

(1) Respondent, who knew or should have known of his duties at or near Holloman AFB, NM, on or about 31 March 2002, was derelict in the performance of his duties in that he willfully failed to refrain from having an unauthorized minor in the dormitories, as it was his duty to do.

(2) Respondent, who knew or should have known of his duties, at or near Holloman AFB, NM, on or about 31 March 2002, was derelict in the performance of his duties in that he willfully failed to refrain from consuming alcohol while under the age of 21, as it was his duty to do so.

(3) Respondent, who knew or should have known of his duties at or near Holloman AFB, NM, on or about 4 April 2002, was derelict in the performance of his duties in that he willfully failed to refrain from having an unauthorized minor in the dormitories, as it was his duty to do so.

-Respondent received Article 15 punishment consisting of reduction to the grade of airman basic, 30 days extra duty and a reprimand.

j. Overall Ratings on EPRs: None.

k. Favorable Communications, Citations or Awards: Air Force Training Ribbon and National Defense Service Medal.

l. Derogatory data, other than action by court-martial or under Article 15, UCMJ: None.

m. Medical or other data meriting consideration: None

n. Member does not hold an appointment as a reserve commissioned or warrant officer.

3. Actions required under AFI 31-501 are not necessary.

4. I do not recommend probation and rehabilitation according to AFI 36-3208, Chapter 7 due to the failure of prior rehabilitative efforts. Retention in a probationary status would be inconsistent with the maintenance of good order and discipline and would have an adverse impact on morale within the squadron.



Commander

Attachments:

1. Letter of Notification w/atchs
2. Airman's Receipt of Letter of Notification
3. Airman's Response
4. Medical Examination
5. ID