

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) CONSIDINE, WILLIAM D.		GRADE AB	AFSN/SSAN 250-61-9962																														
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW																														
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL 																															
MEMBER SITTING <div style="background-color: black; width: 350px; height: 150px; margin-top: 10px;"></div>		VOTE OF THE BOARD <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">NON</th> <th style="width: 15%;">GEN</th> <th style="width: 15%;">UOTHC</th> <th style="width: 15%;">OTHER</th> <th style="width: 15%;">DENY</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> </tbody> </table>		NON	GEN	UOTHC	OTHER	DENY					X					X					X					X					X
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ISSUES A01.00 A95.00		INDEX NUMBER A67.10																															
HEARING DATE 24 Jun 2010		CASE NUMBER FD-2009-00185																															
EXHIBITS SUBMITTED TO THE BOARD <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td style="width: 30px; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td></tr> </tbody> </table>				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 HEARING																
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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.																																	
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INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		DATE: 7/14/2010 FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 4E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7001																															

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2009-00185

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 and requests that the review be completed based on the available service record.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDING: The Board denies the upgrade of the discharge.

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 regarding the inequity or impropriety of his discharge. He had two Article 15s, a Letter of Reprimand (LOR), and a Memorandum for Record (MFR). His misconduct included willfully making false official statements to Senior Noncommissioned Officers (SNCO) and the Office of Special Investigations (OSI); failing to refrain from drinking alcohol within 8 hours prior to duty, willfully violating a lawful order not to consume alcohol, and failure to report for duty at the prescribed time. These incidents of misconduct occurred during the period of September 2004 to December 2004. The Board concluded the applicant's misconduct was a significant departure from conduct expected of all military members. The applicant declined to provide a written statement on his behalf, and waived his right to counsel to expedite the discharge process so that he could move on with his life. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.

CONCLUSION: 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 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 and determines the discharge should remain unchanged.

Attachment:
Examiner's Brief

**DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD**

AFDRB BRIEF											
NAME (Last, First, MI): CONSIDINE, WILLIAM D.			SSN: 250-61-9962		DOCKET # FD2009-00185		COMPONENT: USAF				
TYPE OF DISCHARGE: GENERAL		DISCHARGE FROM: SCHRIEVER AFB, CO		DISCHARGE DATE: 21 DEC 04		APPEALS FOR: HONORABLE DISCH					
DOB/ ENLMT AGE: 15 FEB 83 20		DISCH AGE: 21		FORMER: AB		HGH: AMN		B. CURRENT DOR: 8 OCT 04		C. TIME LOST: NONE	
AFSC: 1C631 – SPACE SYSTEM OPERATIONS APPRENTICE				DEP DT: 9 SEP 09		ASVAB SCORES: A: 83 E: 65 G: 82 M: 81					
D. ART 15: ART 15: 2		D. LOR, LOA, RIC, LOC: LOR: 1		E. SPCM / GCM: NONE		ADDITIONAL: (IE. CIVIL CONV, CDC) MFR: 1					
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT): NONE											
G. AWARDS & DECS: AFTR, NDSM											
EAD: 8 OCT 03			DAS: 14 APR 04			H. TMS: 1 YRS, 3 MOS, 12 DAS			TAMS: 1 YRS, 2 MOS, 14 DAS		
APPLN (DD FORM 293) DTD: 15 APR 09			DT/ INITIALS: 23DEC09/ TS			NPA: YES			PA: NO		
RECORDS : <input type="checkbox"/>		MPR: <input type="checkbox"/>		ARMS: X		STR: X		ISSUES: YES		ATTACHMENTS: NO	
AUTH FOR DISCHARGE : AFI 36-3208 PARA 5.49 (MISCONDUCT: MINOR DISCIPLINARY INFRACTIONS)											
ART 15; SPCM; GCM; ADDITIONAL: <div style="margin-left: 40px;"> LOR: 1 SEP 04 - MADE FALSE STATEMENTS TO SNCO'S & OSI AGENTS. (1) ART 15: 14 SEP 04 - (ART 92) CONSUMED ALCOHOL PRIOR TO ASSUMING DUTIES. MFR: 22 OCT 04 - DISOBEYED A LEGAL ORDER GIVEN BY COMMANDER. (2) ART 15: 1 DEC 04 - (ART 86) FAILED TO GO TO PLACE OF DUTY. </div>											
EXAMINER'S NOTE:											
NOTES:											

**APPLICATION FOR THE REVIEW OF DISCHARGE
FROM THE ARMED FORCES OF THE UNITED STATES**
(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004
OMB approval expires
Oct 31, 2009

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 the Department of Defense, Executive Services Directorate (0704-0004). 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. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

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)	Considine William D.		c. GRADE/RANK AT DISCHARGE	E-1	
d. SOCIAL SECURITY NUMBER			250-61-9962		
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward notification of any change in address.)			f. TELEPHONE NUMBER (Include Area Code)		
14811 Collinson Ave.			586-630-2602		
Eastpointe, MI, 48021			g. E-MAIL		
			h. FAX NUMBER (Include Area Code)		

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)
	<input type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input type="checkbox"/> BAD CONDUCT (Special court-martial only)	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:
21 DEC 2004 / Schriever AFB	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER (Explain)	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 13. See instructions on Page 3.)

I'm trying to get a government job. I was offered an early out because of the situation and I took it to pursue schooling.

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 14. 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 12.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, and relationship by marking a box below.

<input type="checkbox"/> SPOUSE	<input type="checkbox"/> WIDOW	<input type="checkbox"/> WIDOWER	<input type="checkbox"/> NEXT OF KIN	<input type="checkbox"/> LEGAL REPRESENTATIVE	<input type="checkbox"/> OTHER (Specify)
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12. 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.)

a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)	b. DATE SIGNED - REQUIRED (YYYYMMDD)	CASE NUMBER (Do not write in this space.)
	15 Apr. 2009	FD2009-00185



DEPARTMENT OF THE AIR FORCE

50TH SPACE WING (AFSPC)

8 DEC 04

MEMORANDUM FOR AMN WILLIAM D. CONSIDINE, 250-61-9962, 3 SOPS

FROM: 3 SOPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct, specifically minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your current term of service be characterized as general.

2. My reasons for this action are:

a. Between on or about 17 July 04, you made false statements to Senior NCO's and OSI members conducting a health, morale, and welfare inspection regarding the prescription drugs found in your room that were not prescribed to you. This action brought into question your integrity. As a result, you received a letter of reprimand on 1 Sep 04. (Atch. 1a)

b. On or about 29 Aug 04, you failed to refrain from consuming alcohol within 8 hours prior to assuming crew duties. This action constituted a violation of Article 92 of the Uniform Code of Military Justice (UCMJ). As a result, you were reprimanded and reduced to the grade of Airman Basic, in conjunction with non-judicial punishment that was imposed on 14 Sep 04. Additionally you received a No Alcohol Consumption Order dated 30 Aug 04. (Atch. 1b)

c. On 20 Oct 04, on 21 Oct 04, and on 22 Oct 04, you were derelict in the performance of your duty by failing to go to the place of duty at the appointed times. These actions constituted a violation of Article 86 of the Uniform Code of Military Justice (UCMJ). As a result, you were reprimanded and forfeited pay in the amount of \$100.00 and restricted to base for 30 days, in conjunction with non-judicial punishment that was imposed on 01 Dec 04. (Atch. 1c)

d. On 22 Oct 04, you admitted to drinking alcohol in violation of a legal order not to drink given to you by your commander. This admission was documented in a Memorandum for Record from MSgt Sarpy, SSgt Landing, and SMSgt Graden, dated 22 Oct 04. (Atch 1d)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult the Area Defense Counsel Office, 556-7611, 135 Dover Street, Peterson AFB, on member Waiver wdc. You may consult civilian counsel at your own expense. Civilian counsel, if employed, must be readily available.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within **3 duty days** from the date you receive this memorandum of notification 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 must complete the attached DD Form 2697 (Atch 5). You are required to make an appointment with the Schriever AFB Flight Medicine clinic within 24 hours of receiving this notification letter.

8. You must report to MPF Separations on 9 Dec 04 / 0830 to receive a briefing.

9. 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 in your unit orderly room.


ANTHONY K. HINSON, Lt Col, USAF
Commander, 3rd Space Operations Squadron

Attachments:

1. Derogatory Data:
 - a. Letter of Reprimand, dated 1 Sep 04
 - b. AF Form 3070, dated 14 Sep 04
 - c. AF Form 3070, dated 1 Dec 04
 - d. Memorandum For Record, dated 22 Oct 04
2. Airman's Receipt of Notification
3. Airman's Statement
4. Recoupment Statement
5. DD Form 2697



DEPARTMENT OF THE AIR FORCE

50TH SPACE WING (AFSPC)

MEMORANDUM FOR 50 SW/CC

15 Dec 2004

FROM: 50 SW/JA

SUBJECT: Legal Review – Involuntary Administrative Separation Under AFI 36-3208,
AB WILLIAM D. CONSIDINE, 250-61-9962, 3 SOPS


1. The administrative discharge action pertaining to AB William D. Considine has been reviewed for legal sufficiency and is now forwarded to you for action.
2. **BASIS FOR DISCHARGE:** The statutory basis for this legal review is 10 U.S.C. § 1169 and AFI 36-3208, paragraph 6.12.1.1. This action was initiated on 15 Nov 04 to administratively separate respondent from the United States Air Force pursuant to AFI 36-3208, Chapter 5, Section H, paragraph 5.49., misconduct (minor disciplinary infractions). The commander recommends an under honorable conditions (general) characterization of service and does not recommend an offer of probation and rehabilitation pursuant to AFI 36-3208, Chapter 7. His recommendation is based on AB Considine willfully making false official statements, as documented in a letter of reprimand dated 1 Sep 04; failing to refrain from drinking alcohol within 8 hours prior to duty, as documented by an article 15 action dated 14 Sep 04; willfully violating a lawful order not to consume alcohol as recorded in a memorandum for record dated 22 Oct 04; and failing to report for duty at the prescribed time, as documented by an article 15 action dated 1 Dec 04.
3. **EVIDENCE FOR THE RESPONDENT:** The respondent is 21 years old and has a total of 1 year and 2 months active service. He enlisted on 8 Oct 03 for a term of four years. He is entitled to wear the National Defense Service Medal and Air Force Training Ribbon. The respondent did not provide a written statement because he wants to expedite the discharge process so that he may move on with his life.
4. **ERRORS AND IRREGULARITIES:** There has been substantial compliance with the applicable substantive and procedural provisions of AFI 36-3208. We find no error or irregularity that prejudices the respondent or deprives him of any of his rights.
5. **DISCUSSION:** The evidence is legally sufficient to support administrative discharge for minor disciplinary infractions. Based on the nature of the offenses, the recommended service characterization of a general discharge is appropriate. A general discharge is appropriate when significant negative aspects of the member's conduct outweigh positive aspects of his military record (AFI 36-3208, paragraph 1.18.2.). Prior to initiating administrative discharge, the commander attempted to rehabilitate the respondent as shown by the quantity of administrative disciplinary actions taken. However, respondent's history of misconduct shows his resistance to

compliance with the law and Air Force standards. An offer of probation and rehabilitation is inappropriate because of respondents' continued and repeated improper conduct despite his unit's many unsuccessful attempts at correction.

6. OPTIONS: As the Separation Authority, you are empowered to:

- a. Direct retention based on your determination that the evidence is insufficient to support discharge;
- b. Return the file and direct that discharge action be re-initiated under a more appropriate paragraph of AFI 36-3208;
- c. Forward the discharge file to 14 AF/CC with a recommendation for an honorable characterization of service, with or without an offer of probation and rehabilitation;
- d. Direct discharge with a general characterization of service, with or without an offer of probation and rehabilitation; or
- e. Direct that discharge action be re-initiated under the board hearing procedure for discharge under other than honorable conditions.

7. RECOMMENDATION: I recommend you direct respondent be separated from the United States Air Force with a general characterization of service without an offer for probation and rehabilitation, and that AFI 36-3208, Chapter 5, Section H, paragraph 5.49., be cited as the basis for this action.


WALTER C. ROBERTS, JR., Lt Col, USAF
Staff Judge Advocate