

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>	<b>GRADE</b>	<b>AFSN/SSAN</b>
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<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>			
	<b>X</b>			

VOTE OF THE BOARD					
	HON	GEN	UOTHC	OTHER	DENY
	X+				
	X+				
	X+				
	X+				
	X+				

<b>ISSUES</b>	A01.18 A01.32 A01.44	<b>INDEX NUMBER</b>	A69.00 A45.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
<b>HEARING DATE</b>	07 Feb 2011	<b>CASE NUMBER</b>	FD-2009-00476	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>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> </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.

+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

SAF/MRBR  
550 C STREET WEST, SUITE 40  
RANDOLPH AFB, TX 78150-4742

SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL  
AIR FORCE DISCHARGE REVIEW BOARD  
1535 COMMAND DR, EE WING, 3RD FLOOR  
ANDREWS AFB, MD 20762-7001

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2009-00476**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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.

After a review of the record, the Board unanimously voted to grant the relief of the requested upgrade as discussed below.

**FINDING:** The Board grants the requested relief.

**ISSUE:**

Issue 1. Applicant was discharged with an under other than honorable conditions (general) discharge for failure in the alcohol abuse treatment program. Applicant states he refused to participate in the program because he desired to be discharged. While the Notification Memorandum for the discharge makes reference to a history of tardiness and smelling of alcohol while on duty, and the legal review states that "respondent's conduct clearly outweighs the positive aspects of his service," neither memorandum documents the specific misconduct upon which the characterization of service was apparently based. Because applicant was not properly notified of the misconduct upon which the characterization of his service would be based, he was not afforded an informed opportunity to determine whether he should respond. Although applicant failed to respond to his discharge action, and clearly was anxious to be discharged, he may have determined to respond differently had he been notified of the specific misconduct upon which the characterization of his service would be based. Although applicant had misconduct in his record, and wanted to be discharged, that does not allow for the proper procedures to be overlooked in the processing of the discharge action. The Board finds that the omission of the misconduct upon which the discharge characterization would be based from the notification and legal review documents was a harmful error which was prejudicial to the applicant.

**CONCLUSION:** The Discharge Review Board concludes that the discharge was inconsistent with the procedural and substantive requirements of the discharge regulation and finds the applicant was not provided full administrative due process.

In view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

**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.)*

*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 the Department of Defense, Executive Services and Communications 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  AIR FORCE  COAST GUARD

b. NAME (Last, First, Middle Initial)

c. GRADE/RANK AT DISCHARGE

d. SOCIAL SECURITY NUMBER

A1C

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)

2005/11/23

HONORABLE

CHANGE TO HONORABLE

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:

Aerospace Physiology unit

UNCHARACTERIZED

CHANGE NARRATIVE REASON FOR SEPARATION TO:

Shaw Air Force base

OTHER (Explain)

Program denial

1 refusal

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

An upgrade is being requested because the narrative reason on applicant's DD Form 214 is not true. Applicant did not fail but refused to participate in program. The applicant was advised to do so in order for desired discharge to occur.

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.)

DD Form 214

9. TYPE OF REVIEW REQUESTED (X one)

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.

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.

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)

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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.)

a. SIGNATURE-REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

FD-2009-00476

2009/07/11

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

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 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

**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  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD**

AFDRB BRIEF					
NAME (Last, First, MI):		SSN:		DOCKET # <b>FD-2009-00476</b>	COMPONENT: <b>USAF</b>
TYPE OF DISCHARGE: <b>GENERAL</b>	DISCHARGE FROM: <b>SHAW AFB, SC</b>		DISCHARGE DATE: <b>23 NOV 05</b>	APPEALS FOR: <b>UPGRADE DISCHARGE &amp; CHANGE REASON FOR DISCHARGE</b>	
DOB/ENLMT AGE: <b>13 NOV 82      20</b>	DISCH AGE: <b>23</b>	FORMER: <b>A1C</b>	HGH: <b>A1C</b>	B. CURRENT DOR: <b>13 DEC 04</b>	C. TIME LOST: <b>NONE</b>
AFSC: <b>4M031 - AEROSPACE PHYSIOLOGY</b>		DEP DT: <b>14 FEB 03</b>		ASVAB SCORES: <b>A:</b>	
D. ART 15 / VAC: <b>NONE</b>	D. LOR, LOA, RIC, LOC: <b>NONE</b>	E. SCM / SPCM / GCM: <b>NONE</b>		ADDITIONAL: (IE. CIVIL CONV, CDC) <b>NONE</b>	
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) : <b>12 AUG 03 - 11 APR 05 SHAW AFB 4 (INITIAL)</b>					
G. AWARDS & DECS: <b>NDSM, GWOTSM, AFTR</b>					
EAD: <b>12 AUG 03</b>		DAS: <b>12 DEC 03</b>		H. TMS: <b>2 YRS 9 MOS 10 DAS</b>	
TAMS: <b>2 YRS 3 MOS 11 DAS</b>		APPLN (DD FORM 293) DTD: <b>11 AUG 09</b>		DT/ INITIALS: <b>22SEP10/JLL</b>	
NPAPA: <b>NPA</b>		BOARD REGION:			
RECORDS :	MPR:NO	ARMS: YES	STR: YES	ISSUES: NO	ATTACHMENTS: YES
AUTH FOR DISCHARGE : <b>AFI 36-3208, PARA 5.32 (FAILURE IN ALCOHOL ABUSE TREATMENT)</b>					
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:					
EXAMINER'S NOTE: NOTIFICATION MEMO, PARA 2, CITES THE FOLLOWING REASON FOR DISCHARGE: MBR REFUSED ON TWO SEPARATE OCCASSION TO PARTICIPATE IN THE ADAPT PROGRAM. HE STATED HE DIDN'T FEEL HE HAD A PROBLEM WITH DRINKING OR HIS NEGATIVE BEHAVIOR. HE FURTHER STATED THAT HE DIDN'T WISH TO REDUCE OR ABSTAIN FROM ALCOHOL CONSUMPTION. ON 7 NOV 05, APPLICANT WROTE A MEMO FOR RECORD IN WHICH HE STATED THE FOLLOWING: " I WAS CONSTANTLY BORED SO I DRANK AND HAD A GOOD TIME. I DO NOT NEED THE ADAPT TREATMENT BECUASE IF THE AIM IS TO GET ME TO STOP DRINKING, THE ANSWER IS TO LET ME GO. ADAPT WILL NOT WORK."					
NOTES:					

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FD-2009-00476

2009/07/11

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16. REMARKS (If applicable)

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**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 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

**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

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle)		2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE -- REG AF		3. SOCIAL SECURITY NUMBER		
4a. GRADE, RATE OR RANK A1C	b. PAY GRADE E3	5. DATE OF BIRTH (YYYYMMDD) 19821113	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) N/A			
7a. PLACE OF ENTRY INTO ACTIVE DUTY ST LOUIS, MO		b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) ST LOUIS, MO				
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 20 AEROMEDICAL-DENTAL SQ. (ACC)			b. STATION WHERE SEPARATED SHAW AFB SC			
9. COMMAND TO WHICH TRANSFERRED			10. SGLI COVERAGE		NONE	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 4M031 - Aerospace Physiology, 2 Years and 1 Month.			12. RECORD OF SERVICE			
			YEAR(s)	MONTH(s)	DAY(s)	
			a. DATE ENTERED AD THIS PERIOD	2003	Aug	12
			b. SEPARATION DATE THIS PERIOD	2005	Nov	23
			c. NET ACTIVE SERVICE THIS PERIOD	02	03	11
			d. TOTAL PRIOR ACTIVE SERVICE	00	00	00
			e. TOTAL PRIOR INACTIVE SERVICE	00	00	00
			f. FOREIGN SERVICE	00	00	00
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) National Defense Service Medal, Global War on Terrorism Service Medal, Air Force Training Ribbon.			14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)			
			Basic Military Training, 6 weeks, Sep 2003. Aerospace Physiology, 10 weeks, Nov 2003.			
15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM				YES	X NO	
b. HIGH SCHOOL GRADUATE OR EQUIVALENT		X		YES	NO	
16. DAYS ACCRUED LEAVE PAID - 0 -	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION				YES NO X	
18. REMARKS Member has not completed first full term of service. ***** ***** Nothing Follows *****						
The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and or continued compliance with, the requirements of a Federal benefit program.						
19a. MAILING ADDRESS AFTER SEPARATION (include Zip Code)			b. NEAREST RELATIVE (Name and address - include Zip Code)			
			CK			
20. MEMBER REQUESTS COPY 6 BE SENT TO MO DIRECTOR OF VETERANS AFFAIRS				X	YES NO	
21. SIGNATURE OF MEMBER BEING SEPARATED		22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade title and signature) MSGT, USAF NCOIC, RETIREMENTS AND SEPARATION				
SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)						
23. TYPE OF SEPARATION DISCHARGE			24. CHARACTER OF SERVICE (include upgrades) GENERAL (UNDER HONORABLE CONDITIONS)			
25. NARRATIVE REASON FOR SEPARATION ALCOHOL REHABILITATION FAILURE						
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD) NONE				30. MEMBER REQUESTS COPY 4 (Initials) CK		





DEPARTMENT OF THE AIR FORCE  
20TH FIGHTER WING (ACC)  
SHAW AIR FORCE BASE SOUTH CAROLINA

MEMORANDUM FOR A1C

FROM: 20 ADOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure in the Alcohol Abuse Treatment Program. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section F, Paragraph 5.32. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).
2. You are being recommended for discharge for failure in alcohol abuse treatment. My reasons for this action are that:

Between on or about 18 Oct 05 to 2 Nov 05, you were referred to the Alcohol and Drug Abuse Prevention Treatment Program (ADAPT) by your supervisor for an incident that occurred on 18 Oct 05, when you were late to work after consuming a large quantity of alcohol the previous night. Your supervisor has reported a history of you being tardy to work and often smelled alcohol on your person. Capt [redacted] a clinical psychologist, diagnosed you with Alcohol Dependence with continuous drinking and recommended treatment. You told Capt [redacted] that you did not see any problem with your drinking or subsequent negative behavior and you had no desire to participate in treatment to treat your Alcohol Dependence. You further told Capt [redacted] you do not wish to reduce or abstain from alcohol consumption. On 7 Nov 05, you were given another opportunity to participate in treatment and again refused.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. 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. I have made an appointment for you to consult Captain [redacted] Area Defense Counsel, 895-9530, 321 Cullen Street, at 0800 hours on 17 Nov 2005. You may consult civilian counsel at your own expense.

*Global Power for America*

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 0830 hours on 22 NOV 2005 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 20th Medical Group, Primary Care Clinic at 0730 hours on 18 NOV 2005 and an additional examination will be scheduled if necessary.
8. 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 the unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

Commander

, Lt Col, USAF

Attachments:

Supporting Documents (Tab A)

ADAPT Program Failure Memorandum, dated 8 Nov 05

Respondent's ADAPT Refusal Letter, dated 7 Nov 05

Other Derogatory Documentation (Tab B)

1) Record of Individual Counseling (ROIC,) dated 1 Apr 04

2) Record of Individual Counseling (ROIC,) dated 3 May 05

3) Letter of Counseling (LOC,) dated 22 Aug 05

4) Letter of Reprimand (LOR,) dated 15 Sep 05



DEPARTMENT OF THE AIR FORCE  
20TH FIGHTER WING (ACC)  
SHAW AIR FORCE BASE SOUTH CAROLINA

MEMORANDUM FOR CC

FROM: JA

SUBJECT: Administrative Discharge - AIC \_\_\_\_\_, 20 ADOS

1. I have reviewed the proposed discharge action case file and find it legally sufficient to support a decision to separate the respondent with an under honorable conditions (general) discharge, as soon as he is found medically fit for separation.

2. **Background:**

a. The respondent is a 23-year-old Aerospace Physiology Apprentice assigned to the 20<sup>th</sup> Aeromedical Dental Squadron (20 ADOS). His TAFMSD is 12 Aug 03 and he began his 4-year enlistment on 12 Aug 03. He was assigned to his present unit on 12 Dec 03. The respondent has one enlisted performance report with an overall rating of 4.

b. On 17 Nov 05, 20 ADOS/CC properly notified the respondent of his recommendation to separate the respondent under the provisions of AFI 36-3208, Chapter 5, Section F, paragraph 5.32 for failure in alcohol abuse treatment with an under honorable conditions (general) discharge. Because the respondent is not entitled to a board hearing, this case has been properly pursued via the notification procedures of AFI 36-3208, Chapter 6, Section B.

3. **Evidence for the Government:** On or about 18 Oct 05 to 2 Nov 05, the respondent was referred to the Alcohol and Drug Abuse Prevention Treatment Program (ADAPT) by his supervisor for an incident that occurred on 18 Oct 05, when he was late to work after consuming a large quantity of alcohol the previous night. His supervisor has reported a history of the respondent being tardy to work and often smelled alcohol on his person. Capt \_\_\_\_\_ a clinical psychologist, diagnosed the respondent with Alcohol Dependence with continuous drinking and recommended treatment. The respondent told Capt \_\_\_\_\_ that he did not see any problem with his drinking or subsequent negative behavior and he had no desire to participate in treatment to treat his Alcohol Dependence. The respondent further told Capt \_\_\_\_\_ he did not wish to reduce or abstain from alcohol consumption. On 7 Nov 05, the respondent was given another opportunity to participate in treatment and again refused. On 8 Nov 05, the respondent was deemed an ADAPT program failure due to his repeated refusal to participate.

4. **Evidence for the Respondent:** The respondent was properly notified of his right to counsel and to submit statements on his behalf for your consideration. On 17 Nov 05, the respondent consulted with military legal counsel and did not submit matter in writing.

5. **Discussion:**

a. **A basis for discharge exists.** The respondent's refusal to participate in the ADAPT Program is sufficient basis for discharge under AFI 36-3208, paragraph 5.32.

b. **The respondent should be discharged under that provision.** The respondent was given the opportunity on two separate occasions to participate in the ADAPT program, but refused to do so.

c. **The respondent should be given a general discharge.** Based on the respondent's overall performance, 20 ADOS/CC recommends an under honorable conditions (general) discharge. According to AFI 36-3208, paragraph 1.18.2, a general discharge is appropriate when "significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record." The respondent's conduct in this case clearly outweighs the positive aspects of his service.

d. **Probation and Rehabilitation is not appropriate in this case.** Respondent's continued disregard for military standards, despite the unit's efforts, demonstrates his poor rehabilitative potential. I do not recommend probation and rehabilitation in conjunction with this discharge.

6. **Errors and Irregularities:** I note no errors or irregularities prejudicial to the respondent's substantive or procedural rights.

7. **Options:** As separation authority in this case, you may:

a. Direct retention, if you determine the evidence does not warrant discharge; or,

b. Forward this case to 9 AF/CC with the recommendation that the respondent receive an honorable discharge; or,

c. Direct respondent's separation with an under honorable conditions (general) discharge, with or without P&R; or,

d. Return this case to the unit for re-initiation, with the recommendation that the respondent receive an under other than honorable conditions discharge.

8. Recommendation: Direct the respondent's separation with an under honorable conditions (general) discharge, without probation and rehabilitation. A proposed memorandum to that effect is attached for your signature.

Deputy Staff Judge Advocate

Attachments:

1. Proposed Letter
2. Case File