

MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
COL LLOYD F. LeROY						X
COL FREDERICK W. HORNICK						X
LT COL STEVEN A. SIMON						X
LT COL NORMAN L. BURSON						X
LT COL DAVID A. CHRISTIANSON						X
ISSUES A93.19, A92.21, A94.53, A93.21		INDEX NUMBER A67.10		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 980903		CASE NUMBER FD96-00581		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	
				X	TAPE RECORDING OF PERSONAL APPEARANCE HEARING	
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM 0-454.						
REMARKS Case heard at Dobbins ARB, GA Advise applicant of the decision of the Board.						
SIGNATURE OF RECORDER <i>Steven A. Simon</i> LT COL STEVEN A. SIMON, LT COLONEL, USAF			SIGNATURE OF BOARD PRESIDENT <i>Lloyd F. LeRoy</i> LLOYD F. LeROY, COLONEL, USAF			
INDORSEMENT					DATE 98/09/22	
TO: SAFMIBR 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 20331-7002			
ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.						

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant appeared and testified before the Discharge Review Board without counsel at Dobbins ARB, Georgia on September 3, 1998.

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

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

The applicant's issues are listed in the attached brief and at Attachment 2.

Issue 1 (original) and Issue 1 (supplemental) are similar and will be addressed together: The applicant contended his misconduct was the result of a bad alcohol problem and that he was discharged after completing rehabilitation, despite the understanding he'd be retained if he completed rehabilitation. The Board verified from the record and the applicant's testimony that he received alcohol rehabilitation after the first of his two drunk and disorderly incidents, making it clear he was aware of the dangers of continued drinking. In addition, the Board noted that the applicant's commander did recommend probation and rehabilitation rather than discharge. The Board concluded that, after the second serious incident, in-patient alcohol rehabilitation was in the applicant's best interest regardless of the final outcome of the case. As it turned out, the rehabilitation was beneficial to the applicant in that it assisted him with his transition to civilian life. While his commander supported retention, the final decision authority was not bound to, and in fact did not, follow that recommendation. The Board concluded discharge was appropriate due to the serious, violent nature of the two offenses. Consequently, the Board found the issues to be without merit.

Issue 2 (original): The applicant highlighted his post-service accomplishments, to include college and employment, and the negative after-effects of his discharge as grounds for upgrade. The Board was impressed with the applicant's post-service accomplishments and wish him continued success, but determined the issue did not warrant an upgrade. Regarding the potential impact of the discharge on his future, the Board affirmed that this is a collateral consequence of the discharge and, as with post-service conduct, is not a matter of equity or propriety upon which they could base an upgrade.

Issue 2 (supplemental): The applicant cited supporting and favorable documents urging his retention. The Board read these documents and noted several positive statements, to include letters of support and the previously mentioned commander recommendation. There was no doubt the applicant performed well on the job and had the potential for a successful career had he been able to overcome his alcohol problem. The Board affirmed, however, that the convening authority's final decision was proper and equitable.

Issue 3 (supplemental): The applicant stated that the hospital staff administered medication despite his high blood alcohol level (and that the documents that verify this are missing), indicating the mixture of alcohol and medications may have contributed to his unruly behavior (and someone tried to hide that fact). The Board, using the applicant's testimony and eyewitness accounts of the second alcohol incident, confirmed he was administered morphine and versed. According to the applicant's testimony, however, he was unruly before the medication was administered. Additionally, while different people can have different reactions to the same medications, the drugs given to him were more likely to calm rather than inflame him. Given those facts and the absence of any evidence of a "cover-up," the Board found the issue to be without merit.

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 or change of reason for discharge, thus the applicant's discharge should not be changed.

2 Attachments:

1. Examiner's Brief
2. Additional Issues

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

[REDACTED]
 (Former AMN)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 96/04/16 UP AFI 36-3208, Para 5.49 (Misconduct). Appeals for HON Disch.
2. BACKGROUND:
 - a. DOB: 73/02/05. Enlmt Age: 21 4/12. Disch Age: 23 2/12. Educ: (DD Fm 214 reflects) H/S Grad or Equiv. AFQT: Unk. AQE: M-73, A-74, G-80, E-83. PAFSC: 4B031 - Bioenvironmental Engineering Apprentice. DAU: 95/01/09.
 - b. Prior Sv: AFRes 94/03/22 - 94/06/28 (3 Mos 7 Das) (Inactive).
3. SERVICE UNDER REVIEW:
 - a. Enld as AMN 94/06/29 for 4 yrs. Svd: 1 Yr 9 Mos 18 Das, all AMS.
 - b. Grade Status:

A1C	95/04/29
AMN	96/01/18 (Art 15 dtd 96/01/18)
 - c. Time Lost: NONE
 - d. Art 15's:
 - (1) 95/09/27, Robins AFB, in viol of UCMJ, Art 134, You were, o/a 95/09/17, drunk & disorderly which conduct was of a nature to bring discredit upon the armed forces. (Oral/written mitigation). Rdn to AMN, (Susp until 96/03/26). (No appeal).
 - (2) 96/01/18, Robins AFB, in viol of UCMJ, Art 134, You were, o/a 96/01/01, drunk & disorderly which conduct was of a nature to bring discredit upon the armed forces. (Oral/written mitigation). Rdn to AMN, & 60 das Restriction to Robins AFB. (No appeal).
 - e. CM: NONE
 - f. Record of Sv: NONE
 - g. Awards & Decs: NDSM, & AFTR

h. Stmt of Sv: TMS: 2 Yrs 25 Das
TAMS: 1 Yr 9 Mos 18 Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 96/10/25.

(Change Discharge to Honorable)
(Cy of Issues Atchd to Examiner's Brief)

ATCH

Char Ref

97/09/24/drh

- a. Will not be submitted. Please complete review based on available service records.
- b. Will be submitted within 60 days.
- c. Will be submitted within _____ days.

d. Are listed below and are attached to this application: (Continue on a plain sheet of paper if more space is needed.)

(1) DOCUMENT 1:

(2) DOCUMENT 2:

(3) DOCUMENT 3:

8. ISSUES. The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board also will review the case to determine whether there are any issues which provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Read the instructions carefully that pertain to block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

ISSUE 1: My general discharge, under honorable conditions, may have been proper or adquit at the time of discharge. I was given this on the basis of off-duty misconduct (one time only). This incident was alcohol related. I had a bad alcoholic problem ever since I joined the USAF. In order to save my USAF career, I voluntarily was admitted to 31 day in-patient alcohol rehabilitation center at Eglin AFB. I attended 36 AA meetings during that time, successfully completed the rehabilitation and successfully quit my habit. I returned to Robins AFB and was later discharged for the incident prior to the rehabilitation. I have since started a job in the water dept. for the city of _____, Ga, start ~~at~~ reattending college on January 6th, 1997 - January 8th, 1997, and have successfully started a new life without Alcoholism to this day. I feel it to be a very serious learning experience and unfair for future challenges and planning (loans, college, family, financial) to have anything less than an Honorable discharge. I have no other statements from other persons, this ~~is~~ is only due to I do not really know anyone in this area. My real concern is to my health and my future. Please consider my above statements, my appreciation and sincere thanks to all who consider!

- a. Mark this block if you have listed additional issues as an attachment to this application.
- b. I previously submitted an application on (Enter date) and I am completing this form in order to submit additional issues.
- c. The above issues supersede all previously submitted.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides a penalty as follows: A maximum fine of \$10,000 or maximum imprisonment of 5 years, or both)

a. DATE (Year, Month, Day)
1996 10 25

b. SIGNATURE
[Redacted Signature]

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
CO, USARCPAC 9700 Page Blvd St. Louis, MO 63132-5200	NAVAL Discharge Review 801 No. Randolph St. Arlington, VA 22203-1991	AFMPC/MPDOA1 Randolph AFB, TX 78150-6001	Commandant (G-PE-1) U.S. Coast Guard Headq Washington, DC 20593-0001



FD96-00581

DEPARTMENT OF THE AIR FORCE
HQ WARNER ROBINS AIR LOGISTICS CENTER (AFMC)
ROBINS AIR FORCE BASE GEORGIA

20 FEB 1996

MEMORANDUM FOR [REDACTED]

FROM: 78 AMDS/CC

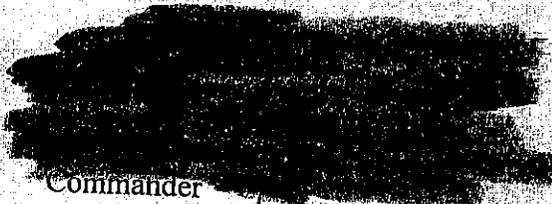
SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as Honorable, General, or Under Other Than Honorable Conditions. I am recommending that your service be characterized as General.
2. My reasons for this action are:
 - a. On 17 September 1995, you were drunk and disorderly. This offense resulted in an Article 15, dated 27 Sep 95, establishment of an Unfavorable Information File, and entry into the Substance Abuse Reorientation and Treatment (SART) Program.
 - b. On 1 January 1996, you were drunk and disorderly. This offense resulted in an Article 15, dated 18 Jan 96, establishment of an Unfavorable Information File, and entry into the SART Program.
3. You have the right to consult counsel. Military legal counsel is available to assist you. An appointment has been made for you to consult Captain [REDACTED] the Area Defense Counsel at building 368, ext 6-5852 on 20 Feb 96 at 1000 hours. If you desire, you may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 23 Feb 96, unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have also been scheduled for a physical examination on 21 Feb 96 at 0700 hours. Upon receipt of this notification letter, immediately report to the Physical Examinations Section in Bldg 207 (near the Green Street Gate) with your medical records. They will review your medical records and inform you of the requirements concerning your physical examination. **You must report in uniform.**

FD96-00531

7. 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 Area Defense Office located at the address in paragraph 3 above.

8. Execute the attached acknowledgment and return it to me immediately.



Commander

SAF

5 Attachments:

1. Documents Supporting Discharge
 - a. Article 15, dtd 27 Sep 95
 - b. Substance Abuse Entry Letter, dtd 16 Oct 95
 - c. Article 15, dtd 18 Jan 96
 - d. AF Form 2731, dtd 2 Jan 96
2. Other Derogatory Information
3. Information Favorable to Member
4. Airman's Acknowledgment of Receipt of Notification Memorandum
5. Airman's Statement re: Counsel and Matters