

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div>		GRADE A1C	AFSN/SSAN <div style="background-color: black; width: 80px; height: 1.2em; margin-top: 5px;"></div>
TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	
COUNSEL		RECORD REVIEW	
NAME OF COUNSEL AND OR ORGANIZATION <div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div>		ADDRESS AND OR ORGANIZATION OF COUNSEL <div style="background-color: black; width: 150px; height: 1.2em; margin-top: 5px;"></div>	
YES	No		
<input checked="" type="checkbox"/>			
MEMBER SITTING		VOTE OF THE BOARD	
		HON	GEN
		UOTHC	OTHER
		DENY	
<div style="background-color: black; width: 150px; height: 100px; margin-top: 10px;"></div>		X+	
		X+	
		X+	
		X+	
		X+	
ISSUES A94.06 A93.24		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			
HEARING DATE 15 Jan 2004		CASE NUMBER FD-2001-0071	
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE			
Case heard at Washington, D.C.			
Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR			
+ Secretarial Authority			
+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY			
SIGNATURE OF RECORDER <div style="background-color: black; width: 150px; height: 1.2em; margin-top: 5px;"></div>		SIGNATURE OF PRESIDENT <div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div>	
INDORSEMENT		DATE: 1/16/2004	
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-2001-0071
<p>GENERAL: The applicant appeals for upgrade of his General discharge to Honorable.</p> <p>The applicant made a personal appearance before the Discharge Review Board (DRB) accompanied by his father, [REDACTED] whom both testified under oath. [REDACTED] American Legion, represented the applicant. The applicant provided the following additional exhibits for the Board's consideration:</p> <p>Exhibit 6: Transcript from Empire State College, dated 5 November 2003 Exhibit 7: Four separate character letters. Exhibit 8: Certificate of participation—National Electrical Benefit Fund. Exhibit 9: Certificate of completion—Basic UNIX, dated 3 April 1998. Exhibit 10: Team of the Quarter July-Sep 1998; letter from Lt Col [REDACTED] dated 29 Sep 1998. Exhibit 11: VA rating decision dated 5 August 2003. Exhibit 12: Letter from social worker, [REDACTED] dated 27 July 2003.</p> <p>The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: The Board grants the requested relief.</p> <p>The Board's review of the record revealed that the applicant was discharged in January 2001 with a general discharge, primarily for misconduct (minor disciplinary infractions). The applicant's discharge notification also contained a mental disorder as the secondary basis for discharge.</p> <p>The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.</p> <p>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 that the applicant was provided full administrative due process. Nonetheless, in view of the relatively minor nature of the applicant's misconduct when juxtaposed with his previous excellent duty performance, the Board concluded that the applicant's then existing and continued mental health issues provided sufficient mitigation to warrant the upgrade of the applicant's discharge characterization and reason.</p> <p>Therefore, in view of the foregoing findings, the Board further 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 Secretary Authority. The applicant's characterization and reason for discharge should be changed accordingly under the provisions of Title 10, United States Code, Section 1553.</p> <p>Attachment: Examiner's Brief</p>	

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

(Former SRA) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/01/03 UP AFI 36-3208, para 5.49 & 5.11.1 (Misconduct - Minor Disciplinary Infractions, and Mental Disorder). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 75/04/17. Enlmt Age: 20 4/12. Disch Age: 25 8/12. Educ:14 yrs. AFQT: N/A. A-79, E-67, G-70, M-52. PAFSC: 1N651 - Electronic Systems Security Assessment Journean. DAS: 98/05/15.

b. Prior Sv: AFRes 95/08/21 - 95/11/28 (3 months 8 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 95/11/29 for 4 yrs. Ext: 98/02/04 for 19 months. Svd: 5 Yrs 1 Mo 5 Das, all AMS.

b. Grade Status: SRA - 98/11/29
A1C - (EPR Indicates):95/11/29-97/07/28
AMN - 96/05/29

c. Time Lost: none.

d. Art 15's: (1) 00/08/30, Hickam AFB, HI - Article 91. You, o/a 21 Aug 00, were disrespectful in language toward TSgt -----, a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by saying to him, "you fucking NCO's always think you are right," or words to that effect. Rdn to A1C, forfeiture of \$100.00 pay per month for two months (both suspended till 1 Mar 01), 45 days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: LOC, 04 DEC 98 - Failed Dorm room inspection.
LOR, 10 SEP 99 - Failed Dorm room inspection.
LOR, 14 SEP 99 - Failure to pay just debt.
LOR, 26 APR 00 - Failure to pay just debt.
LOR, 21 JUN 00 - Failure to report.
LOC, 23 AUG 00 - Misuse of government equipment.

f. CM: none.

g. Record of SV: 95/11/29 97/07/28 Brooks AFB 5 (Initial)
97/07/29 98/04/15 Brooks AFB 5 (CRO)
98/04/16 99/04/15 Hickam AFB 4 (Annual)

99/04/16 00/04/15 Hickam AFB 3 (Annual)
00/04/16 00/11/01 Hickam AFB 1 (Cmdr Dir) REF
(Discharged from Hickam AFB)

h. Awards & Decs: JSAM, AFAM, AFLSAR, AFTR, SWASM, NDSM, AFOUA, AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (4) Mos (13) Das
TAMS: (5) Yrs (1) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/01/10.
(Change Discharge to Honorable)

Issue 1: I wish the board hears and understands that I, SrA ----- was an excellent troop prior to my car accident in December of 1997 (Proof/Documents submitted). Additionally, sometimes life deals us a bad hand & these situations are hard to ignore or overcome, unfortunately this one was one of them (a death of a close friend). On my behalf, I only wanted to do my best in the Air Force & to prove if I voluntarily went to Mental Health weekly for counseling it help me overcome my situation.

ATCH

1. Memorandum For 15 ABW/CC, 06 Nov 00.
2. Memorandum For BG Redmann, 06 Nov 00.
3. Memorandum For Separation Authority, 06 Nov 00.
4. Characterization Statement.
5. Nomination for Award.
6. Two Performance Feedback Worksheets.

01/03/08/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD01-00071
7 Dec 00

MEMORANDUM FOR 15 ABW/CC [REDACTED]

FROM: 15 ABW/JA

SUBJECT: Administrative Discharge Legal Review - SrA [REDACTED]

1. **ISSUE:** On 9 Nov 00, Lt Col [REDACTED] 352 IOS/CC, recommended that SrA William F. Corr, Jr., be administratively discharged from the United States Air Force under AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, paragraphs 5.49 and 5.11.1. Lt Col [REDACTED] has recommended that the primary basis for discharge be for minor disciplinary infractions that constitute a pattern of misconduct, under paragraph 5.49. The secondary basis for discharge is for mental disorders that constitute a condition that interferes with military service, under paragraph 5.11.1. Lt Col [REDACTED] asks that SrA [REDACTED] discharge receive a General characterization without probation and rehabilitation (P&R).

2. **OPTIONS:** As the separation authority, you may:

- a. Direct retention of SrA [REDACTED] if his retention is in the best interest of the Air Force; or
- b. Direct separation with an Honorable characterization, with or without P&R; or
- c. Direct separation with a General characterization, with or without P&R; or
- d. Direct an administrative discharge board to convene. If convened, the discharge board will determine a basis for discharge and may recommend P&R and an appropriate discharge, which could include an Under Other Than Honorable Conditions (UOTHC) characterization.

3. **FACTS:** I have reviewed the proposed separation action against SrA [REDACTED] 352nd Information Operations Squadron, Hickam AFB, HI, and find it procedurally and legally sufficient to support separation, subject to insertion of his medical examination in the record.

a. **GOVERNMENT'S CASE:** This discharge action is based upon a pattern of minor disciplinary infractions and mental disorders. The primary basis for the recommended discharge is for minor disciplinary infractions. SrA [REDACTED] record is as follows:

b. SrA [REDACTED] first documented misconduct occurred on 30 Nov 98, when he failed a second consecutive scheduled monthly dorm inspection. For this offense, he received a Letter of Counseling (LOC), dated 4 Dec 98. On 30 Aug 99, again, SrA [REDACTED] failed his scheduled dorm inspection. For this offense, SrA [REDACTED] received a Letter of Reprimand (LOR), dated 10 Sep 99.

During the month of September 1999, it was discovered that SrA [REDACTED] was overdue in paying his Government [REDACTED] VISA credit card bill. SrA [REDACTED] was also delinquent in paying his telephone bill. For these offenses, SrA [REDACTED] received a second LOR, dated 14 Sep 99. During the month of April 2000, he again failed to pay his debts in a responsible and timely manner. In an effort to pay the debts, he used a debit card from an inactive bank account. For this offense, SrA [REDACTED] received another LOR, dated 26 Apr 00. On 19 Jun 00, he failed to report to work at the time prescribed. For this offense, he received his fourth LOR, dated 21 Jun 00. During June 2000, it was discovered that he wrongfully used Government computer equipment to search and view unauthorized Internet sites. For these offenses, he received an LOC, dated 23 Aug 00. On 21 Aug 00, SrA [REDACTED] was disrespectful towards a noncommissioned officer (NCO), by saying to his supervisor, "you fucking NCOs always think you are right." For this offense, SrA [REDACTED] received an Article 15, dated 30 Aug 00, and an Unfavorable Information File (UIF) was established. As punishment, he received both a suspended reduction to Airman First Class and suspended forfeitures of \$100 pay per month, for 2 months, in addition to 45 days' extra duty and a written reprimand.

c. The secondary basis for recommending this discharge is a mental disorder that constitutes a condition that interferes with military service. On 4 Oct 00, Lt Col [REDACTED] Mental Health Flight Commander, evaluated and diagnosed SrA [REDACTED] as having a mental disorder. Lt Col [REDACTED] diagnosed SrA [REDACTED] as having an Axis II: 301.9 Personality Disorder (Narcissistic and Antisocial Features), based upon the Diagnostic and Statistical Manual, 4th Ed. Lt Col [REDACTED] has concluded in his memorandum that SrA [REDACTED] disorder is so severe as to significantly impair his ability to function in the military environment.

b. **RESPONDENT'S CASE:** SrA [REDACTED] acknowledged receipt of the Letter of Notification, dated 1 Nov 00. On 6 Nov 00, he submitted a response package through Area Defense Counsel Capt [REDACTED]. In the response, both Capt [REDACTED] and SrA [REDACTED] himself asked that he receive an Honorable discharge instead of the General discharge characterization recommended by Lt Col [REDACTED]. Both point to traumatic life events that occurred since he has been on active duty as contributing to his mental condition and his corresponding misconduct. Lt Col [REDACTED] Chief, Professional Standards and Quality Services, HQ PACAF, also states that these traumatic events have "exacerbated the adjustment problems he has had in the military." Therefore, Lt Col [REDACTED] believes that his condition has "made it difficult to function and perform in the military environment." In support of his position, SrA [REDACTED] has also submitted two character statements, four Enlisted Performance Reports, and various citations.

4. **DISCUSSION:** SrA [REDACTED] behavior encompasses a wide variety of sub-standard military conduct. His documented problems, most notably, include anger and disrespect toward his supervisors. He also has been punished for financial irresponsibility, deficient duty performance, and failure to maintain his living quarters. His behavior and its resulting consequences are evidence that he has a serious behavioral problem that exacerbates his inability to conform to military standards. He attributes much of his misconduct to his reaction to the death of his best friend in a December 1997 car accident that occurred when SrA [REDACTED] fell asleep driving. Interestingly, his mental health evaluation reveals that he has a long history of misconduct (fighting, aggressiveness, etc.) that goes back to at least age 15, well before he enlisted in the Air

Force. Most importantly, his treating psychologist found that SrA [REDACTED] is responsible for his actions and behavior. Overall, it is these behavioral problems and resulting social dysfunction that make SrA [REDACTED] incompatible for further military service. ✓

5. DISCHARGE CHARACTERIZATION: The primary basis Lt Col [REDACTED] states for discharge is for a pattern of minor disciplinary infractions.

a. According to AFI 36-3208, the discharge of airmen for misconduct, without opportunity for an administrative discharge board hearing, may be characterized as either Honorable, General (Under Honorable Conditions), or Under Other Than Honorable Conditions (UOTHC). Per AFI 36-3208, paragraph 1.18.2, an Honorable characterization is warranted when the quality of an airman's service generally has met Air Force standards of acceptable conduct and performance of duty, or when a member's service is otherwise so meritorious that any other characterization would be inappropriate. Lt Col [REDACTED] has recommended that he receive a General discharge. SrA [REDACTED] Article 15 punishment, in addition to two LOCs and four LORs, outweigh any favorable information contained within his military record. Furthermore, his most recent Enlisted Performance Report does not recommend him for promotion. Although under AFI 36-3208, section H, a UOTHC is an option for this basis of discharge, it is reserved for behavior that is a significant departure from expected conduct. Examples of such behavior include the use of force to produce bodily injury or death, abuse of a special position, abuse of subordinate relationships, acts or omissions that endanger the security of the United States, or acts that endanger the health and safety of others. SrA [REDACTED] misconduct, while serious, does not contain any of these elements, nor does it rise to the level of behavior that would warrant a UOTHC. Based upon all of the facts available, a General discharge characterization is appropriate in this case.

b. It is noted that under the authority of AFI 36-3208, Chapter 5, paragraph 5.11, discharge for mental conditions is not appropriate if the airman's record would support a discharge for another reason, such as misconduct. In this case, misconduct is the primary basis for the recommended discharge. Pursuant to AFI 36-3208, paragraph 5.11.1, the existence of a mental condition that is a basis for discharge does not bar separation for any other reason. Even though a discharge solely for mental disorders warrants an Honorable characterization because this case is being processed jointly, with misconduct as the primary reason for separation, AFI 36-3208, Chapter 6, paragraph 6.44.3 allows the criteria and latitude for a misconduct discharge to be applied when determining discharge characterization. Lt Col [REDACTED] recommends that SrA [REDACTED] receive a General discharge characterization. I concur.

6. PROBATION AND REHABILITATION: SrA [REDACTED] has received two LOCs, four LORs, one Article 15, and establishment of a UIF. Because of the nature and amount of his misconduct, it is apparent that this airman is unwilling to effectively manage his anger and conform his conduct (financial responsibility, reporting to work, cleaning his room, etc.) to Air Force Standards. Rehabilitative measures designed to remedy his problems have not been able to change his conduct toward his unit or society. Furthermore, his mental condition makes him incompatible to serve further in the military environment, barring the probability that further

rehabilitation would change his behavior. SrA [REDACTED] does not request P&R. His commander has recommended against granting P&R. I concur.

7. **ERRORS AND IRREGULARITIES:** In this case, there was one error noted by the Government. The Government noted that the Commander's Recommendation, dated 9 Nov 00, should include a statement regarding the required security actions taken under AFI 31-501, *Personnel Security Management Program*. Those actions have been accomplished and are attached to this legal review. The defense has not raised this error as an issue in this case. This fact does not prejudice the rights of SrA [REDACTED] or change the legal sufficiency of this discharge package.

8. **RECOMMENDATION:** Based on the above facts and discussion, I recommend you direct the separation of SrA [REDACTED] with a General characterization, without P&R, by signing the action letter at Tab 1.

[REDACTED]
[REDACTED], Colonel, USAF
Staff Judge Advocate, 15th Air Base Wing

Attachments:

For Cause Authority - SrA [REDACTED], 30 Oct 00



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

1 Nov 00

MEMORANDUM FOR SRA [REDACTED] 352 IOS

FROM: 352 IOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct and for prevailing Conditions that Interfere with Military Service. The discharge authority for Misconduct by minor disciplinary infractions is found under AFD 36-32 and AFI 36-3208, paragraph 5.49. The discharge authority for mental disorders that constitute Conditions That Interfere With Military Service is found under AFD 36-32 and AFI 36-3208, paragraph 5.11.1. If my recommendation is approved, your service will be characterized as either Honorable or General. I am recommending that your service be characterized as General.

2. My primary reasons for this action are for minor disciplinary infractions that constitute Misconduct. They are as follows:

a. On 30 Nov 98, you failed your scheduled, monthly dormitory room inspection. For this offense, you received a Letter of Counseling (LOC), dated 4 Dec 98.

b. On 30 Aug 99, you again failed your monthly dormitory room inspection. For this offense, you received a Letter of Reprimand (LOR), dated 10 Sep 99.

c. On or before 14 Sep 99, it was discovered that you were delinquent in paying your Government [REDACTED] VISA card. For this offense, you received an LOR, dated 14 Sep 99.

d. On or before April 2000, it was discovered that you dishonorably failed to pay a just debt by using your debit card with insufficient funds. For this offense, you received an LOR, dated 26 Apr 00.

e. On 19 Jun 00, you failed to report to work at the time prescribed. For this offense, you received an LOR, dated 21 Jun 00.

f. In June 2000, it was discovered that you were wrongfully using Government equipment systems to perform computer searches in other work areas other than your own. This action was in violation of a direct order from your supervisor. For this offense, you received an LOC, dated 23 Aug 00.

g. On 21 Aug 00, you used disrespectful language towards a noncommissioned officer. For this offense, you received an Article 15, dated 30 Aug 00.

3. The second reason that I am recommending discharge is for mental disorders that constitute Conditions That Interfere With Military Service. On 4 Oct 00, Lt Col [REDACTED], Mental Health Flight Commander, diagnosed you as having a mental disorder. More specifically, he diagnosed you, based upon the Diagnostic and Statistical Manual, 4th Ed., as having an Axis II: 301.9 Personality Disorder. Lt Col [REDACTED] states, in his memorandum to me, that your disorder is so severe as to significantly impair your ability to function in the military environment.

4. Copies of documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained by the Air Force. The commander will also decide how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and can be denied enlistment in any component of the United States Armed Forces. Additionally, you will be ineligible for any special pay, bonus or education assistance offered by the Armed Forces.

5. You have the right to consult legal counsel. Capt [REDACTED], Area Defense Counsel, Building 1113, 449- [REDACTED] has been obtained to assist you. An appointment has been scheduled for you to consult him on 2 Nov 00 at 1000 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 6 Nov 00 unless you request and receive an extension for good cause shown. I will forward them to the separation authority.

7. If you fail to consult counsel or to submit statements on your own behalf, your failure to do so will constitute a waiver of this privilege.

8. You have been scheduled for a medical examination. You will report to Physical Exams at the 15th Medical Group on 6 Nov 00 at 0830 hours for the examination.

9. You must contact Separations, **in uniform**, located in the Military Personnel Flight, at 449- [REDACTED] ext. [REDACTED], **within 24 hours** of receipt of this letter to set up an initial separations appointment. During this appointment you will surrender your (including family members) active Duty ID card(s) and temporary ID(s) will be issued.

10. 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 through your Commander's Support Staff.

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

[REDACTED]
Lt Col, USAF
Commander, 352nd Information Operations Squadron

Attachments:

1. LOC, dated 4 Dec 98
2. LOR, dated 10 Sep 99
3. LOR, dated 14 Sep 99
4. LOR, dated 26 Apr 00
5. LOR, dated 13 Dec 99
6. LOR, dated 21 Jun 00
8. Article 15, dated 30 Aug 00
9. Mental Health Evaluation, dated 4 Oct 00