

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE	AFSN/SSAN
[REDACTED]	AIC	[REDACTED]

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A93.09	INDEX NUMBER A67.90	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 23 OCT 02	CASE NUMBER FD2002-0223	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	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.

REMARKS
 Case heard at Washington, D.C.

Advise applicant of the decision of the Board, the right to a personal appearance, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
[REDACTED]	[REDACTED]

INDORSEMENT	DATE: 23 OCT 02
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TO: SAF/MIBR 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0223

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 to exercise this right.

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.

ISSUE: The applicant does not contest the discharge; he states that because of personal problems, going through a depression that had been with him for many years, is the reason he was discharged. The records in this case are missing. However, the applicant states that he did receive a Letter of Reprimand and several Letters of Counseling. His medical records, which are available, indicate the applicant received a speeding ticket, a ticket for inattentive driving and was on the Weight Management Program. He also was seen in mental health for an evaluation after allegedly making a comment about hurting co-workers and supervisors at work, twice. If the applicant can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. Otherwise, the DRB has to go with the presumption of regularity. This means when the military takes an action, it is deemed to be a good and proper action. The burden of proof lies with the applicant to convince the members of the Board that their discharge should be something other than what it is, and in doing so, overcome the presumption of regularity. The Board concluded the 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.

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 or change the reason for 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]
[REDACTED]
(Former A1C) (HGH A1C) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 01/04/30 UP AFI 36-3208, para 5.50.2 (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/10/09. Enlmt Age: 18 9/12. Disch Age: 20 6/12. Educ: HS DIPL. AFQT: N/A. A-80, E-72, G-62, M-81. PAFSC: 2A531E - Aerospace Maintenance Apprentice. DAS: 00/03/11.

b. Prior Sv: (1) AFRes 99/08/02 - 99/10/19 (2 Mos 18 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 99/10/20 for 6 yrs. Svd: 1 Yr 6 Mos 11 Das, all AMS.

b. Grade Status: A1C - 99/12/13

c. Time Lost: None.

d. Art 15's: Unknown.

e. Additional: EXAMINER'S NOTE: The applicant states in his response to our request for missing documents, he received a letter of reprimand and several letters of counseling.

f. CM: None.

g. Record of SV: None.

(Discharged from Whiteman AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (8) Mos (29) Das
TAMS: (1) Yr (6) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/20.
(Change Discharge to Honorable)

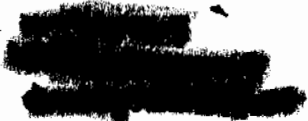
ISSUES ATTACHED TO BRIEF.

FD2002-0223

ATCH

1. Applicant's Issues.

02/08/28/cr



I am writing to ask that my discharge be upgraded to honorable and my reason code changed to a more favorable outcome.

When I entered the military I had been going through a depression that had been following me for many years. It had been with me so long I didn't even realize I was going through it. The stress and separation from friends and family while going through basic training in tech school only served to send me deeper into the pit. Then after my tech training when I left to Missouri I sank even lower. During my time in Missouri I made some mistakes very early on that caused everyone to be watching me all the time. It caused a marked increase in my stress level and my depression kept getting worse and worse. It got so bad that I couldn't think right I didn't want go anywhere and I didn't want to do anything. My already present anxiety over large crowds and group gathering begin to grow to the point I could barely function with my co-workers. I began to have problems sleeping which caused me to always be tired and therefore I made more mistakes which got me in more trouble which caused me to be watched ever more closely. It started a downward spiral that kept getting worse. Eventually all the stress and tension that was building began to leak into my work. I couldn't concentrate and I often overslept causing me to be late several time.

I realize my depression does not excuse the fact that I was always in trouble but I hoped to get you to understand art of the problems I was going through. I have recently been seeking help through church and family to get me through my problems. No over a year from my separation I feel more confident in myself and my abilities than ever. I have been able to overcome my fear of people and am now able to work very well with others. I have learned to cope with my feelings of failure and to better deal with stress as it comes. I no longer try to hold everything inside or try to shut people out.

Though I screwed up my chances with the military I must continue on with my life, and to do so I must find a good job so that I will be able to provide for myself. It will be very hard for me to do this with the shadow of a less than honorable discharge hanging over my head. So I ask you to please allow my discharge to be upgraded to honorable so that I may go on with my life and achieve whatever form of success that I can.

I thank you for your time and I hope to hear back from the board soon.



[REDACTED]

July 15, 2002

SAF/MIBR

ATTN: [REDACTED]
550C Street West Suite 40
Randolph AFB TX 78150-4742

Dear Mr. [REDACTED]

Reference your letter dated 11 JUL 02 referencing my application to the Air Force Discharge Review Board (AFDRB) dated 20 May 2002.

In your letter you request a copy of the Legal Review and Notification Memorandum. I understand that these documents are important in order to provide a complete review; however, I cannot provide copies of a legal review that I was never afforded. I was notified on one day that I would be discharged, and I was released from active duty within 96 hours of that notification. This whole discharge caught me by surprise. I will say that I did receive a letter of reprimand in February 2000 and several letters of counseling prior to that, but I never received an Article 15, and I was never given a Legal Review and Notification Memorandum in relation to my discharge.

Subsequent to my discharge, I was presented with a letter from the Air Force demanding payment of monies owed from receiving my enlistment bonus. I was to have received this bonus upon arriving at my first duty station – Whiteman AFB, Mo., on March 13, 2000. I did not receive my bonus until November 2000 – some eight months late. Prior to my discharge, the finance office told me I would have to repay this bonus, but they did not present me with the amount that would have to be repaid nor was I presented with options for the repayment. I am currently making monthly payments to the Air Force to retire this debt, but again, I was never presented with options for the repayment. This indebtedness, too, is preventing me from re-enlisting in the Air Force or any other military service. I find it very disturbing that my squadron would authorize payment of my enlistment bonus – a bonus that took several months longer to receive – if I was the kind of airman who was going to be discharged for any type of misconduct or any other reason. Furthermore, on my Career Development Course end-of-course exam in March 2000, I scored in the mid-90s.

For the record, I would like to point out that in my opinion I was not treated fairly by the Air Force relevant to the facts and circumstances surrounding my discharge. In fact, I was not aware that my discharge and DD Form 214 were coded as such to prevent me from re-enlisting until I became aware of that special coding when I tried to re-enlist subsequent to 9-11.

I request that the AFDRB favorably consider upgrading my discharge to HONORABLE and that it be coded to allow me to re-enlist or that I be re-instated in the Air Force. I further request that my indebtedness – since it is directly related to my discharge – be forgiven and all monies repaid to the Air Force to date be refunded in full.

This matter has caused me great inconvenience and the type of discharge and coding on my DD Form 214 coupled with the indebtedness has prevented me from obtaining employment that would better me as an individual or allowed me to serve my country.

As an elected official in city government, my father, [REDACTED], has taught me the value of always treating people fairly and making things just when an unjust act has occurred. I again humbly ask that the AFDRB favorably consider this application and grant my above requests.

Sincerely,

[REDACTED]
[REDACTED]