

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	Texas Veterans Commission
<input checked="" type="checkbox"/>		

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

ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD		
A93.09	A67.10	1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE	CASE NUMBER	4	BRIEF OF PERSONNEL FILE	
9 SEP 02	FD1999-00220		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 Randolph AFB, Texas.

Change the reason for discharge to Secretarial Authority; SPD Code JFF.

Advise applicant of the decision of the Board.

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

INDORSEMENT	DATE: 9 SEP 02
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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD1999-00220

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable and to change the Reason for discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Randolph AFB, TX on September 11, 2002. The following additional exhibits were submitted at the hearing:

- Exhibit 5: Applicant's contentions.
- Exhibit 6: 86 MDG/86 MDOS/SGOMH Memo, 26 Jan 98
- Exhibit 7: Witness Statement
- Exhibit 8: On-The-Job Training Records
- Exhibit 9: AF Form 931, 30 Sep 96
- Exhibit 10: AF Form 931, 24 Sep 97 w/continuation sheet
- Exhibit 11: AF Form 931, 1 Dec 97, w/continuation sheet
- Exhibit 12: Memorandum from [REDACTED] 14 Jan 98 (3 pages)

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

**FINDINGS:** The discharge is upgraded to Honorable, and the reason for discharge is changed to Secretarial Authority. The Board finds that the evidence of record substantiates an impropriety and inequity that justify upgrade of the discharge.

**ISSUES:** The applicant was discharged with a General Discharge for Misconduct – Minor Disciplinary Infractions. Member received an Article 15, vacation action, and several letters of reprimand for several failures to report to work on time. Applicant states that her medical problems hindered her ability to serve and that these problems were not properly addressed. She further stated she was trying very hard to do a good job but her sleep disorder and improper training set her back. The Board reviewed the entire record and found evidence of both impropriety and inequity. The 86 AW/JA's legal review stated the Mental Health Clinic concluded she was "simply making excuses" when she said she thinks she has a sleeping disorder. However, a memorandum from the Chief of the Mental Health Clinic stated the applicant "has not willfully flaunted AF standards, but rather has a real problem matching her sleeping habits to what the AF requires of her." He also gave her a sleep disorder diagnosis. This memorandum is not referenced in or attached to the discharge package, and the Board found no record indicating that it was brought to the attention of the discharge authority. The JA review contradicted (without explanation) the written opinion of the Chief of the Mental Health Clinic. The Board found that this mischaracterization of material evidence denied the applicant an opportunity to have her issue fairly considered by the discharge authority. Furthermore, the Board found evidence in the record and the applicant's testimony showing that her sleep disorder was a significant matter in extenuation and mitigation for nearly all her minor disciplinary infractions.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge action contained a significant and prejudicial mischaracterization of the material evidence. In view of the foregoing findings, the Board concludes that the applicant's discharge should be upgraded as a matter of propriety and equity. Furthermore, the reason for the discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason for discharge should be changed to Honorable and Secretarial Authority under the provisions of Title 10, USC §1553.

Attachment:  
Examiner's Brief

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

(Former AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/04/06 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and to Change the Reason for Disch.

2. **BACKGROUND:**

a. DOB: 76/10/04. Enlmt Age: 19 3/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: 74% M-57, A-58, G-66, E-62. PAFSC: 3C031 - Communications - Computer Systems Operations Apprentice. DAS: 97/10/03.

b. Prior Sv: AFRes 96/01/09 - 96/03/12 (2 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 96/03/13 for 4 yrs. Svd: 2 Yrs 0 Mo 24 Das, all AMS.

b. Grade Status: AMN - 97/12/30 (ART 15, VACC, 98/01/13)  
A1C - 97/07/13  
AMN - (EPR Indicates): 96/03/13 - 98/01/26

c. Time Lost: none.

d. Art 15's: (1) 98/01/13, VACC, Ramstein AB, Germany - You did, between o/a 1 Jan 98, and o/a 4 Jan 98, w/o auth, fail to go at the time prescribed to your appointed place of duty. Rdn to Amn. (No appeal) (No mitigation).

(2) 97/12/30, Ramstein AB, Germany - You did, o/a 15 Dec 97, w/o auth, fail to go at the time prescribed to your appointed place of duty. Rdn to Amn (susp til 29 Jun 98), forfeiture of \$200.00 pay per month for two months, and 14 days extra duty. (No appeal) (No mitigation).

e. Additional: LOR, 12 FEB 98 - Failure to go.  
LOR, 29 SEP 97 - Failure to go.  
LOR, 22 JUL 97 - Failure to go.  
LOC, 04 APR 97 - Failure to go.  
LOC, 18 MAR 97 - Violated appearance standards.

f. CM: none.

g. Record of SV: 96/03/13 98/01/26 Ramstein AB 2 (Initial)REF  
(Discharged from Sheppard AFB)

h. Awards & Decs: AFOLTR, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (28) Das  
TAMS: (2) Yrs (0) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 99/01/05.  
(Change Discharge to Honorable and Change the Reason for Discharge)

Issue 1: My medical problems hindered your ability to serve and these problems were not properly addressed.

Issue 2: I was trying very hard to do a good job but my sleep disorder and improper training set me back.

ATCHS

1. DD Form 214.

99/05/19/ia



DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAFE)

FD 97-00220

MEMORANDUM FOR AMN [REDACTED] USAFE CSS

22 Feb 98

FROM: USAFE CSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority is AFPD 36-32 and AFI 36-3208, Section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are that:

a. You did, on or about 9 Feb 98, without authority, fail to go at the time prescribed to your appointed place of duty. For this action, you received a Letter of Reprimand (LOR), dated 12 Feb 98. This action was filed in your existing Unfavorable Information File (UIF) (Atch 1a).

b. You did, between on or about 1 Jan 98 and on or about 4 Jan 98, without authority, fail to go at the time prescribed to your appointed place of duty. For these actions, your previously suspended nonjudicial punishment was vacated on 13 Jan 98 (Atch 1b).

c. You did, on or about 15 Dec 97, without authority, fail to go at the time prescribed to your appointed place of duty. For this action, you received nonjudicial punishment on 30 Dec 97 and this Article 15 was filed in your UIF on 6 Jan 98 (Atch 1c).

d. You did, on or about 12 Sep 97, without authority, fail to go at the time prescribed to your appointed place of duty. For this action, you received an LOR, dated 29 Sep 97, and a (UIF) was established on 3 Oct 97 (Atch 1d).

e. You did, on or about 16 Jul 97, without authority, fail to go at the time prescribed to your appointed place of duty. For this action, you received an LOR, dated 22 Jul 97 (Atch 1e).

f. You did, on or about 2 Apr 97, without authority, fail to go at the time prescribed to your appointed place of duty. For this action, you received a Letter of Counseling (LOC), dated 4 Apr 97 (Atch 1f).

g. You were, on or about 18 Mar 97, wearing a clear plastic item where your nose has been pierced. For this action, you received an LOC, dated 18 Mar 97 (Atch 1g).

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 United States 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 United States Air Force, and any special pay, bonus, or education assistance funds you have received may be subject to recoupment.

4. You have the right to consult counsel. You will need to contact the Area Defense Counsel, located in Building 2111, DSN 480-2182/2492 to make an appointment. You may consult civilian counsel at your own expense. The Area Defense Counsel requests that you stop by their office prior to your appointment to pick-up the Administrative Discharge Booklet.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me NLT (3 duty days) 25 Feb 98 at 1500 hours 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 submit statements in your 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 in uniform with your medical records and an escort to the Ramstein Air Base Clinic, Physical Exams, Building 2182 on 25 Feb 98 at 0730 for the examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them. You must abstain from alcohol 72 hours, fast 12 hours, and abstain from caffeine and nicotine 10 hours prior to your appointment.

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 orderly room.



Col, USAF  
Commander

**Attachments:**

1. Supporting Documents
  - a. LOR, dated 12 Feb 98 w/UIF Action
  - b. AF Form 366, dated 13 Jan 98
  - c. AF Form 3070, dated 30 Dec 97
  - d. LOR, dated 29 Sep 97 w/UIF Action
  - e. LOR, dated 22 Jul 97
  - f. LOC, dated 4 Apr 97
  - g. LOC, dated 18 Mar 97
2. Other Derogatory Information
  - a. LOR, dated 12 Feb 98
3. Airman's Receipt of Notification Memorandum