

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE	<input checked="" type="checkbox"/> <b>PERSONAL APPEARANCE</b>	<input type="checkbox"/> <b>RECORD REVIEW</b>
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<input checked="" type="checkbox"/>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	LOTHC	OTHER	DENY
<b>[REDACTED]</b>	<input checked="" type="checkbox"/> *				
<b>[REDACTED]</b>	<input checked="" type="checkbox"/> *				
<b>[REDACTED]</b>				<input checked="" type="checkbox"/> *	
<b>[REDACTED]</b>	<input checked="" type="checkbox"/> *				
<b>[REDACTED]</b>				<input checked="" type="checkbox"/> *	

ISSUES <b>A42.00</b>	INDEX NUMBER <b>A49.00, A67.90</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 5px; text-align: center;"><b>1</b></td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>2</b></td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>3</b></td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>4</b></td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	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.

**REMARKS**

**Case heard at Travis AFB, California.**

**Advise applicant of the decision of the Board.**

**\* Change the Reason for discharge to Personality Disorder.**

SIGNATURE OF RECORDER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>3 FEB 03</b>
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2001-0379

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Travis AFB, CA on February 3, 2003. His mother, [REDACTED] was present to testify on his behalf. The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's contentions.

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

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

The Board finds that evidence of record and that provided by the applicant substantiates an impropriety and inequity that would justify upgrade of the discharge.

**ISSUES:** The applicant was discharged with a General Discharge for Unsatisfactory Performance and Conduct Prejudicial to Good Order and Discipline. The records indicated the applicant received two Article 15's for failure to go and for disobeying an order to refrain from consuming alcohol until further notice. He also received a Letter of Reprimand for using profane language; sending inappropriate and/or profane emails using government computers; attempting to gain unlawful access; banging on another airmen's door and making a threatening statement. In addition, he received two Letters of Counseling and four memorandums for record. The applicant underwent mental health evaluation after discharge proceedings were initiated that diagnosed the applicant with a Pervasive Developmental Disorder (Asperger's Disorder) and Personality Disorder. In particular, the Asperger's Disorder was not considered in the discharge action and the Board concluded that this previously undiagnosed disorder was the predominant cause of his behavior and rendered him unsuitable for military service. The Board opined that administrative separation for unsuitability would have been a more accurate and equitable basis for discharge. While the Board did not condone the applicant's incidents of willful misconduct, they did feel it more equitable to characterize his service as honorable. The DRB also opined that the reason for discharge should have been Personality Disorder.

**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.

However, in view of the foregoing findings, the Board also concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge. The applicant's characterization for discharge should be changed to Honorable, Secretarial Authority, and the Reason should be changed to Personality Disorder 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 AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/01/26 UP AFI 36-3208, para 5.26.1 & 5.50.2 (Unsatisfactory Performance & Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 74/05/15. Enlmt Age: 21 11/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-70, E-65, G-82, M-41. PAFSC: 3N031 - Public Affairs Apprentice. DAS: 97/05/26.

b. Prior Sv: (1) AFRes 96/05/10 - 96/10/15 (5 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 96/10/16 for 4 yrs. Svd: 01 Yrs 02 Mo 21 Das, all AMS.

b. Grade Status: AB - 97/09/22 (Article 15, Vacation, 97/10/07)  
AMN - 97/05/21

c. Time Lost: none.

d. Art 15's: (1) 97/10/07, Vacation, Fairchild AFB, WA - Article 86. You, did, on or about 23 Sep 97, without authority, fail to go at the time prescribed to your appointed place of duty. Rdn to AB. (No appeal) (No mitigation)

(2) 97/09/22, Fairchild AFB, WA - Article 92. You, having had knowledge of a lawful order issued by MSgt -----, to wit: You will refrain from consumption of alcohol until further notice, an order which it was your duty to obey, did, on or about 31 Aug 97, fail to obey the same by wrongfully consuming alcohol. Article 86. You, did, on or about 04 Sep 97, without authority, fail to go at the time prescribed to your appointed place of duty. Rdn to AB (suspended until 21 Mar 98), and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 15 SEP 97 - Using profane language; sending inappropriate and/or profane emails using government computer; attempting to gain unlawful access; banging on another airmen's door and threatening bodily harm.  
MFR, UNDATED - Leaving duty station without permission; inappropriate comments; failure to obtain

insurance, license, and registration after receiving traffic citation; failure to progress.

MFR, 28 AUG 97 - Failure to go.

MFR, 28 AUG 97 - Inappropriate language and behavior toward female airmen; inappropriate comments directed at the colonel's dugout, during Chiefs and Eagles softball game, cursing loudly and angrily while on duty, routinely reporting to work 10 to 15 minutes late, taking longer than the allotted one hour lunch break, and being late on several occasions for scheduled briefings, meetings, and interviews.

MFR, 22 SEP 97 - Failure to go.

LOC, 14 NOV 97 - Failure to go.

LOC, 02 DEC 97 - Failure to go.

f. CM: none.

g. Record of SV: none.

(Discharged from Fairchild AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (07) Mos (27) Das

TAMS: (01) Yrs (02) Mos (21) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/04/30.  
(Change Discharge to Honorable)

Issue 1: See Document 3 (self) for further explanation - Psychotic problems.

Issue 2: See Document 3 (self) for further explanation - Excessive alcohol abuse and self-medicating.

Issue 3: See Document 3 (self) for further explanation; Medical and psychotic conditions severely hampered ability.

Issue 4: See Document 3 (self) for further explanation; Personality conflict and numerous disciplinary problems.

**ATCH**

1. Letter to the Discharge Review Board.
2. Letter from Psychiatrist.
3. Physical Profile Serial Report.

01/04/30/ia



DEPARTMENT OF THE AIR FORCE FD2001-0379  
HEADQUARTERS 92D AIR REFUELING WING (AMC)  
FAIRCHILD AIR FORCE BASE WASHINGTON

29 DEC 1997

MEMORANDUM FOR 92 ARW/CC

FROM: 92 ARW/JA

SUBJECT: Legal Review of AFI 36-3208, *Administrative Separation of Airmen*  
Administrative Discharge - [REDACTED]

1. I have reviewed the proposed involuntary separation action concerning AB Bryant, the respondent, and find it legally sufficient to support involuntary discharge for unsatisfactory duty performance and a pattern of misconduct consisting of conduct prejudicial to good order and discipline under AFPD 36-32 and AFI 36-3208, paragraphs 5.26.1 and 5.50.2.

2. Background: On 16 Dec 97, the 92 MSS/CC initiated this separation action against the respondent for unsatisfactory duty performance and a pattern of misconduct consisting of conduct prejudicial to good order and discipline. She recommends an Under Honorable Conditions (General) discharge, without the opportunity for probation and rehabilitation (P&R). The respondent acknowledged notification of this action on 16 Dec 97.

3. For the Government:

a. Between on or about 1 Jul and 31 Aug 97, the respondent repeatedly used profane and vulgar language when speaking with fellow airmen in the dormitories. Additionally, he sent a number of inappropriate and/or profane e-mail messages using a government computer and he attempted to gain access to another airman's room, and when access was denied, he began to bang on her door and shout at her through the door using profane language and threatening to "go get his,22". For these incidents, he received a letter of reprimand dated 15 Sep 97.

b. Between on or about 7 Jul and 27 Aug 97, the respondent did the following:

(1) On or about 7 Jul 97, he left his office for about 30 minutes at a time throughout the day without signing out or explaining where he was going. This was not the first time he has been counseled about these incidents;

(2) On or about 8 Aug 97, upon returning from his TDY story assignment, the respondent made an inappropriate comment towards [REDACTED] when she asked him, "You didn't break the camera did you [REDACTED]?" He responded by saying, "No the camera's fine. It didn't break because I wasn't taking any pictures of you.";

- (3) On or about 27 Aug 97, the respondent was counseled about getting license, registration, and insurance for his vehicle that had been ticketed for not having proper tags and paperwork; and
- (4) On or about 27 Aug 97, the respondent was counseled about his lack of initiative and failure to progress in certain areas of his job, to include: difficulty conducting interviews, inability to answer basic questions over the phone, and photography. For these incidents, his counseling was documented on a memorandum for record .
- c. On or about 25 Jul 97, the respondent failed to attend an Aim High meeting in the Wing Protocol Office at 0900 hours and he was approached by ██████████ about his boots being out of regulations and needing a good polish. For these incidents, his counseling was documented on a memorandum for record dated 28 Aug 97.
- d. On or about 28 Aug 97, the respondent was counseled about his insults and inappropriate humor towards two female airman working at the Base Photo Lab, inappropriate comments, directed at the colonel's dugout, during the Chiefs and Eagles softball game, cursing loudly and angrily while on duty, routinely reporting to work 10 to 15 minutes late, taking longer than the allotted one hour lunch break, and being late on several occasions for scheduled briefings, meetings, and interviews. For these incidents, his counseling was documented on a memorandum for record dated 28 Aug 97.
- e. Between on or about 31 Aug and 4 Sep 97, the respondent failed to obey a lawful order to refrain from consuming alcohol and he failed to go at the time prescribed to his appointed place of duty. For these incidents, he received an Article 15 dated 22 Sep 97. Punishment consisted of suspended reduction to the grade of Airman Basic and fourteen (14) days extra duty.
- f. On or about 23 Sep 97, the respondent failed to go at the time prescribed to his appointed place of duty. For this incident, his suspended reduction to the grade of Airman Basic was vacated with a new date of rank of 22 Sep 97.
- g. Between on or about 1 Aug and 17 Oct 97, the respondent failed to follow directives by not giving interview subjects copies of the stories he had written on them prior to publication, as it is required to do. For these incidents, his counseling was documented on a memorandum for record dated 21 Oct 97.
- h. On or about 22 Oct 97, the respondent failed to accurately report a story on the Fairchild Steam Plant. For this incident, he received a letter of counseling dated 22 Oct 97.
- i. On or about 28 Oct 97, the respondent failed to attend a mandatory and regularly scheduled Track IV Aftercare Group meeting. For this incident, he received a letter of counseling dated 14 Nov 97.
- j. On or about 1 Dec 97, the respondent failed to attend a mandatory M-9 training after being instructed to attend this training on numerous occasions on 24-26 Nov. For this incident, he received a letter of counseling dated 2 Dec 97.

## 4. For the Respondent:

a. This 23 year old airman has served on active duty for 1 year and 2 months. He began his current term of enlistment on 16 Oct 96. His military record contains no performance reports.

b. The respondent chose to submit the following statement on his behalf: The respondent realizes his past actions and is willing to take responsibility to make amends for his mistakes. He feels that his separation will be a loss to the Air Force as well as a blow to his confidence, self-esteem, and feeling of self-worth. He states that he is undergoing extensive life changes as a result of certain behaviors that he realizes cannot continue. He is working with doctors to change and overcome his depression and requests he receive a medical discharge instead.

## 5. Discussion:

a. By a preponderance of evidence, a basis for discharge exists for unsatisfactory duty performance and a pattern of misconduct consisting of conduct prejudicial to good order and discipline pursuant to paragraphs 5.26.1 and 5.50.2 of AFI 36-3208. If an airman's service has been "honest and faithful", an Under Honorable Conditions (General) discharge characterization is warranted "...when significant negative aspects of the Airman's conduct or performance of duty outweigh positive aspects of the Airman's military record." AFI 36-3208, para 1.18.2. 92 MSS/CC recommends an Under Honorable Conditions (General) discharge. The respondent's military service should be characterized by an Under Honorable Conditions (General) discharge.

b. The respondent has been on active duty for 1 year and 2 months. The respondent's recurring failure to conform to Air Force standards indicates that he is a poor candidate for probation and rehabilitation.

## 6. As the special court-martial convening authority, you may:

a. Retain the respondent.

b. Approve an Under Honorable Conditions (General) discharge. You are the discharge authority for this action. You may also suspend the discharge and offer the respondent probation and rehabilitation under Chapter 7, AFI 36-3208.

c. Forward the case file to the Commander, Fifteenth Air Force if you conclude an honorable discharge is warranted. The Commander, Fifteenth Air Force is the discharge authority for this action.

d. Direct reinitiation of administrative discharge processing (with board entitlement) if you conclude issuance of an Under Other Than Honorable Conditions discharge is warranted.

7. Recommendation: Approve an Under Honorable Conditions (General) discharge without probation and rehabilitation.



USAF  
Chief, Preventative Law/Legal Assistance

I concur.



USAF  
Acting Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE FD2001-0379  
HEADQUARTERS 92D AIR REFUELING WING (AMC)  
FAIRCHILD AIR FORCE BASE WASHINGTON

16 DEC 1997

MEMORANDUM FOR AB [REDACTED]

FROM: 92 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance and a pattern of misconduct consisting of conduct prejudicial to good order and discipline in accordance with AFD 36-32 and AFI 36-3208, paragraphs 5.26.1 and 5.50.2. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General). I recommend your service be characterized with an Under Honorable Conditions (General) discharge. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached. My reasons for this action are:

a. Between on or about 1 Jul and 31 Aug 97, you repeatedly used profane and vulgar language when speaking with fellow airmen in the dormitories. Additionally, you sent a number of inappropriate and/or profane e-mail messages using a government computer and you attempted to gain access to another airman's room, and when access was denied, you began to bang on her door and shout at her through the door using profane language and threatening to "go get your 22". For these incidents, you received a letter of reprimand dated 15 Sep 97.

b. Between on or about 7 Jul and 27 Aug 97, you did the following:

(1) On or about 7 Jul 97, you left your office for about 30 minutes at a time throughout the day without signing out or explaining where you were going. This was not the first time you have been counseled about these incidents;

(2) On or about 8 Aug 97, upon returning from your TDY story assignment, you made an inappropriate comment towards [REDACTED] when she asked you, "You didn't break the camera did you [REDACTED]?" You responded by saying, "No the camera's fine. It didn't break because I wasn't taking any pictures of you.";

(3) On or about 27 Aug 97, you were counseled about getting license, registration, and insurance for your vehicle that had been ticketed for not having proper tags and paperwork; and

(4) On or about 27 Aug 97, you were counseled about your lack of initiative and failure to progress in certain areas of your job, to include: difficulty conducting interviews, inability to answer basic questions over the phone, and photography. For these incidents, your counseling was documented on a memorandum for record.

c. On or about 25 Jul 97, you failed to attend an Aim High meeting in the Wing Protocol Office at 0900 hours and you were approached by [REDACTED] about your boots being out of regulations and needing a good polish. For these incidents, your counseling was documented on a memorandum for record dated 28 Aug 97.

d. On or about 28 Aug 97, you were counseled about your insults and inappropriate humor towards two female airman working at the Base Photo Lab, inappropriate comments, directed at the colonel's dugout, during the Chiefs and Eagles softball game, cursing loudly and angrily while on duty, routinely reporting to work 10 to 15 minutes late, taking longer than the allotted one hour lunch break, and being late on several occasions for scheduled briefings, meetings, and interviews. For these incidents, your counseling was documented on a memorandum for record dated 28 Aug 97.

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f. On or about 23 Sep 97, you failed to go at the time prescribed to your appointed place of duty. For this incident, your suspended reduction to the grade of Airman Basic was vacated with a new date of rank of 22 Sep 97.

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i. On or about 28 Oct 97, you failed to attend a mandatory and regularly scheduled Track IV Aftercare Group meeting. For this incident, you received a letter of counseling dated 14 Nov 97.

j. On or about 1 Dec 97, you failed to attend a mandatory M-9 training after being instructed to attend this training on numerous occasions on 24-26 Nov. For this incident, you received a letter of counseling dated 2 Dec 97.

2. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force.

3. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] Area Defense Counsel, at [REDACTED] for an appointment on \_\_\_\_\_ at \_\_\_\_\_. 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 1345 / 19 DEC 97 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 previously been scheduled for a medical examination. Complete all follow up appointments.
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 your unit orderly room.
8. Execute the attached acknowledgment and return it to me immediately.

 USAF  
Commander

Attachments:

1. LOR dated 15 Sep 97
2. MFR undated
3. MFR dated 28 Aug 97
4. MFR dated 28 Aug 97
5. Article 15 dated 22 Sep 97
6. Vacation Action dated 8 Oct 97
7. MFR dated 21 Oct 97
8. LOC dated 22 Oct 97
9. LOC dated 14 Nov 97
10. LOC dated 2 Dec 97