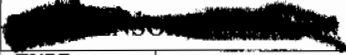










AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE AMN	AFSN/SSAN 			
TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE		RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	<input checked="" type="checkbox"/>					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
			<input checked="" type="checkbox"/> *			
			<input checked="" type="checkbox"/> *			
						<input checked="" type="checkbox"/>
			<input checked="" type="checkbox"/> *			
			<input checked="" type="checkbox"/> *			
ISSUES A42.00	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD				
HEARING DATE 6 FEB 03		CASE NUMBER FD2001-0537		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				
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 RECORDING OFFICER 			SIGNATURE OF BOARD PRESIDENT 			
INDORSEMENT				DATE: 6 FEB 03		
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			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2001-0537

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 6, 2003. His father, SH, 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 denies the requested relief, however the reason for discharge is changed to personality disorder.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an impropriety and inequity that would justify upgrade of the discharge, however the Board concludes that change of the reason for discharge is justified.

ISSUES: The applicant was discharged with a General Discharge for misconduct, minor disciplinary infractions. The records indicated the applicant received one Article 15 for underage drinking and driving under the influence and three letters of counseling and three letters of reprimand for several incidents reporting late for duty, underage drinking and derogatory language towards a noncommissioned officer. The applicant was diagnosed with Social Anxiety Disorder and Personality Disorder Not Otherwise Specified with Avoidant and Schizotypal traits in addition to alcohol abuse/dependence. The applicant's Area Defense Counsel at the time of his discharge argued for changing the basis for discharge to unsuitability due to personality disorder with an honorable characterization of service noting that his misconduct was related to his personality disorder. The applicant contends he was young and immature, that his alcohol abuse impaired his ability to serve, and that his misconduct was of minor and isolated offenses. The Board noted that in spite of his alcohol abuse and personality disorder he still knew right from wrong and was responsible for his actions and must be held accountable. Despite mental health counseling, repeated counseling by his supervisors and ample opportunities to improve his behavior, he failed to respond to rehabilitative efforts. The existence of a character and behavior disorder does not preclude administrative separation for other reasons including misconduct. The Board opined that administrative separation for unsuitability, personality disorder, would have been a more accurate basis for discharge but also concluded that his recurring misconduct never the less formed a sufficient basis for characterizing his service as general.


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 concludes that the reason for discharge is accurately described as personality disorder but concurs that the overall character of the applicant's service is accurately reflected by a General Discharge. The applicant's reason for discharge 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

FD2001-0537

 (Former Amn) (HGH A1C) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Dish fr USAF 00/06/22 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for HON Disch.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 01/07/18/ia.

b. The AFDRB reviewed case on 01/10/11 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 01/11/27. (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

Atch
None.

02/03/14/ia

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

(Former AMN) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/06/22 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 80/08/15. Enlmt Age: 17 11/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-60, E-48, G-42, M-57. PAFSC: 2A635 - Aircraft Hydraulic Systems Apprentice. DAS: 99/05/07.

b. Prior Sv: (1) AFRes 98/07/30 - 98/12/15 (4 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 98/12/16 for 6 yrs. Svd: 1 Yrs 6 Mo 7 Das, all AMS.

b. Grade Status: AMN - 99/10/26 (Article 15, 99/10/26)
A1C - 99/01/30

c. Time Lost: none.

d. Art 15's: (1) 99/10/26, Elmendorf AFB, AK - Article 92. You, who knew of your duties, o/a 10 Oct 99, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcoholic beverages while under the age of 21, in violation of Alaska Statute 04.16.050, as it was your duty to do. Article 111. You did, o/a 10 Oct 99, at or near the intersection of 5th Street and Chilkoot Avenue, Fort Richardson, Alaska, physically control a vehicle, to wit: a black 1997 -----, Alaska registration number -----, while the alcohol concentration in your breath was 0.10 grams of alcohol per 210 liters of breath or greater as shown by chemical analysis. Reduction to the grade of airman. (No appeal) (No mitigation)

e. Additional: LOR, 06 JUN 00 - Underage drinking.
LOC, 20 APR 00 - Failure to go.
LOR, 17 APR 00 - Derogatory language towards an NCO.
LOR, 17 FEB 00 - Failure to go.
LOC, 15 DEC 99 - Failure to go.
LOC, 07 OCT 99 - Failure to go.

f. CM: none.

g. Record of SV: none.

(Discharged from Elmendorf AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (10) Mos (23) Das
TAMS: (1) Yrs (6) Mos (7) Das

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

Issue 1: The attached documents explain ALL of my reasons for upgrade, except the issue of my G.I. Bill and how I paid directly \$1,200.00 into it and because of my discharge status I cannot recieve (sic) anything.

Issue 2: And the issue of my signing bonus I recieve (sic), wich (sic) I am now paying back 50.00 per month because of my financial status.

ATCH

1. Mental Health Evaluation, 13 Jun 00.
2. Letter of Commendation.
3. Letter of Participation in the Recruiter Assistance Program.
4. Two Certificates of Training.
5. Certificate of Graduation.
6. DD Form 214.
7. Defense Finance and Accounting Service Letter.

01/07/18/ia

FD 2001-0537

- a. Direct this action be discontinued and [REDACTED] be retained;
- b. Forward this case file to 11 AF/CC if you believe [REDACTED] should be separated from the United States Air Force with an Honorable Discharge, with or without P&R;
- c. Direct [REDACTED] be separated from the United States Air Force with a General Discharge, with or without P&R; or
- d. Direct [REDACTED] case be processed under Chapter 6, Section C (Board Hearing), if you determine he should be separated with an Under Other Than Honorable Conditions Discharge.
7. RECOMMENDATION: I recommend you discharge [REDACTED] from the United States Air Force under the provisions of AFI 36-3208, paragraph 5.49. I further recommend you approve a general discharge and do not offer P&R.

Attachment:

Case File [REDACTED]

FD 2001-0537

DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR 3 CRS/LGMCP [REDACTED]

FROM: 3 CRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct based on 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 your service be characterized as general.

2. My reasons for this action are:

a. On or about 27 May 00, you were observed by another member in your unit drinking while underage. On or about 1 Jun 00, you offered money to the individual if he would retract his statement about seeing you drunk. For these offenses you received a Letter of Reprimand (LOR), dated 6 Jun 00.

b. On or about 20 Apr 00, you failed to go at the prescribed time to your appointed place of duty. For this offense you received a Letter of Counseling (LOC), dated 20 Apr 00.

c. On or about 24 Mar 00, you used derogatory language towards another noncommissioned officer. For this offense you received an LOR, dated 17 Apr 00.

d. On or about 17 Feb 00, you failed to go at the prescribed time to your appointed place of duty. For this offense you received an LOR, dated 17 Feb 00.

e. On or about 15 Dec 99, you failed to go at the prescribed time to your appointed place of duty. For this offense you received an LOC, dated 15 Dec 99.

f. On or about 10 Oct 99, you drank while underage and drove a vehicle while drunk. For these offense you received an Article 15, dated 26 Oct 99, reduction to the grade of airman with a new date of rank of 26 Oct 99, and an Unfavorable Information File (UIF) was established.

g. On or about 6 Oct 99, you failed to go at the prescribed time to your appointed place of duty. For this offense you received an LOC, dated 7 Oct 99.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you are discharged or retained in the 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 Air Force, and any special pay, bonus, or education assistance funds may be subject to recoupment.

FD 2001-0537

4. 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] 552-3887, at Bldg 10480, Rm 330 on _____ at _____. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide to the separation authority.
6. 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.
7. You have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at _____ on _____ for your first exam, at which time you will be notified of the time for your second exam. You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.
8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at _____ on _____. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Rm 247 at _____ on _____. You must be in uniform for all appointments.
9. 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 at your Squadron Orderly Room.
- [REDACTED]

Attachments:

1. LOR, 6 Jun 00
2. LOC, 20 Apr 00
3. LOR, 17 Apr 00
4. LOR, 17 Feb 00
5. LOC, 15 Dec 99
6. Article 15, 26 Oct 99
7. LOC, 7 Oct 99