

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES A94.05	INDEX NUMBER A70.00	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	
HEARING DATE 20 Aug 2003	CASE NUMBER FD-2002-0020		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE	

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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT 08/21/2003

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2002-0020

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 available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of Discharge to Honorable is denied. However, the discharge is upgraded to General.

The Board finds that neither the evidence of record or 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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant resigned in lieu of a Court Martial. The charges preferred against the applicant were for making a false claim and then lying about it. The Board opined that the UOTHC discharge the applicant received was too harsh and thought the discharge should have been more appropriately characterized 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 further concludes that the overall quality of applicant's service is more accurately reflected by a General discharge. The applicant's characterization should be changed to General 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

[REDACTED]
 [REDACTED]
 (Former MAJOR) (HGH MAJOR)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 00/04/28 UP AFI 36-3207 (Resignation in Lieu of Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 57/11/17. Enlmt Age: 29 7/12. Disch Age: 42 5/12. Educ: Doctor. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 43H3 - Public Health. DAS: (OPR Indicates): 98/02/22-99/02/01.

b. Prior Sv: (Examiner's Note: Statement of Service shows that this applicant served in the U.S. Army Reserve from 91/09/01-97/02/04. This is not indicated on the DD Form 214).

(1) Appointed to 1Lt and ordered to EAD USA 87/07/08. Svd: 4 yrs 2 months 2 days, of which AMS is 4 yrs 1 month 23 days.

(2) Enlisted as Major USAR 95/01/26. Svd: 2 yrs 0 months 9 das. (Inactive)

(3) Transferred to USAFR 97/02/05. Svd: 16 days. (Inactive). Captain - 87/04/08. Major 0 94/11/16.

3. **SERVICE UNDER REVIEW:**

a. Transferred to USAFR as Major for EAD 97/02/22. Svd: 3 Yrs 2 Mo 7 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: (1) none.

e. Additional: none.

f. CM: none.

g. Record of SV: 97/02/22 - 98/02/21 Brooks AFB MS (Annual)
 98/02/22 - 99/02/21 Randolph AFB MS (Annual)
 99/02/22 - 99/09/01 Randolph AFB MS (HAF Dir)

(Discharged from Randolph AFB)

h. Awards & Decs: JSAM, JMUA, NDSM, AFEM, SWASM W/1 DEV, AFLSAR, AFTR,

ASR.

i. Stmt of Sv: TMS: (9) Yrs (5) Mos (4) Das
TAMS: (8) Yrs (3) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/01/08.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. DAV Letter of Support, 14 Nov 01.
2. Two Applicant Letters to the Discharge Review Board.
3. VA Form 21-22, 29 Aug 01.
4. Applicant Letter to the DAV, 28 Aug 01.
5. Applicant Letter to the VFW, 21 Jan 01.
6. DD Form 214, USAF.
7. DD Form 214, USA.
8. Honorable Discharge (Army).
9. Two Letters of Recommendation.
10. Index of Exhibits.

02/05/07/ia

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) [REDACTED]		2. SSN [REDACTED]	3. GRADE OR RANK Major	4. PAY GRADE O-4
5. UNIT OR ORGANIZATION 12th Aeromedical Dental Squadron (AETC) Randolph Air Force Base, Texas 78150			6. CURRENT SERVICE	
			a. INITIAL DATE 22 Feb 97	b. TERM Indef
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
\$4,071.90	\$0.00	\$4,071.90	N/A	
9. DATE(S) IMPOSED N/A				

II. CHARGES AND SPECIFICATIONS

10. CHARGE: I VIOLATION OF THE UCMJ, ARTICLE 132

SPECIFICATION:

In that Major [REDACTED] United States Air Force, 12th Aeromedical Dental Squadron, did, at or near Randolph Air Force Base, Texas, on or about 12 April 1999, by signing Standard Form 1164 (Claim for Reimbursement for Expenditures on Official Business) and presenting it for payment, make a claim against the United States in the amount of \$2,250.00 for reimbursement of tuition and education expenses, which claim was false and fraudulent in the amount of \$1,380.96 in that Major [REDACTED] had not paid \$2,250.00 in tuition and education expenses as claimed but rather had paid only approximately \$869.04 and such claim was then known by the said Major [REDACTED] to be false and fraudulent.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 107

SPECIFICATION: In that Major [REDACTED] United States Air Force, 12th Aeromedical Dental Squadron, did, at or near Randolph Air Force Base, Texas, on or about 12 December 1998, with intent to deceive, make to 12 MSS/DPE an official statement, to wit: that his tuition expenses for the fall 1998 semester at the University of Texas Health Science Center were \$1,590.00, and was then known by the said Major Westover to be so false.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE Colonel	c. ORGANIZATION OF ACCUSER 12th Aeromedical Dental Squadron
d. SIGNATURE OF ACCUSER [REDACTED]		e. DATE 21 Oct 99

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 21st day of October, 19 99, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

 Typed Name of Officer

CAPTAIN
 Grade

 Signature

12 Flying Training Wing
 Organization of Officer

Judge Advocate
 Official Capacity to Administer Oath
 (See R.C.M. 307(b)--must be commissioned officer)

1st Ind, DD Form 458, Charge Sheet, dated 21 Oct 99, Maj [REDACTED], 12th
Aeromedical-Dental Squadron/SGGM, Randolph AFB TX

12 ADS/CC

21 October 1999

TO: 12 FTW/CC

Since Major [REDACTED] arrival at Randolph Air Force Base he has performed in a very commendable and conscientious manner. He has made major contributions to the anthrax immunization program and the Occupational Health Working Group. He recently conducted a timely investigation into a foodborne disease outbreak. He was the 12 FTW Coordinator for Randolph's 1998 Retiree's Day activities. He has a positive attitude and has excellent rehabilitation potential. I recommend the charges be referred to trial by general court-martial. The evidence is attached and supports the charges. Due to the nature of the charges, I do not believe retention on active duty is appropriate if he is convicted. The accused is not subject to the restrictions identified in AFI 31-501, paragraph 8.14.

[REDACTED]
[REDACTED], Colonel, USAF, DC
Commander, 12th Aeromedical-Dental Squadron

Attachments:

1. Personal Data Sheet
2. Supporting Evidence



Disabled American Veterans National Service Office

VA Regional Office • 155 Van Gordon Street • Box 25126 • Denver, CO 80225
(303) 914-5570



November 14,2001

RE: [REDACTED]
701 Bentley Place
Fort Collins, CO 80526



The Honorable Members of the Board:

On behalf of the above mentioned former service member (FSM), we are requesting a discharge upgrade to reflect an honorable discharge. The FSM served the US Air Force as a Public Health Officer from February 22, 1997 to April 28, 2000. He received a discharge of under other than honorable conditions. It is our contention that this discharge was unjust and inappropriate. We are seeking an upgrade due to the inequitable outcome of the prior discharge.

The evidentiary record indicates that the FSM was pursued with the charge of fraud. This evolved from a tuition assistance program that he was involved in at Randolph Air Force Base during 1999. The FSM submitted a receipt for reimbursement for his classes. At the time of original receipt he was charged out-of-state tuition. He then received a new receipt showing that he was being charged in-state tuition. The FSM submitted this as well. He was then accused of defrauding the government. However, the FSM never received any monetary amounts for his reimbursement. Therefore no fraud was committed.

The FSM continues to voice the fact that no intent to fraud or actual fraud was committed. We contend that the evidence and regulations were unjustly used against the FSM to the extent of a once impending court martial.

During his military career, the FSM was instrumental in developing and implementing a surveillance system that tracked diseases that confronted over 24,000 service members deployed in the Middle East. Subsequently, he was responsible for reporting the health status of service members to the Senate as well to ranking members of CENTCOM and the Pentagon. The FSM also was a key member in developing the tracking systems of the Anthrax Vaccine Implementation Program.

Personally, the FSM had hardship to deal with in reference to his wife's debilitating medical condition. The FSM, however, continued to reflect excellence upon the US Air Force and himself by his unwavering commitment to his service, his country, and his family.

Currently the FSM is pursuing doctoral studies at the University of Colorado, Health Science Center. He continues to be leader in his community and his family. His records indicate that his professionalism and expertise continue to shine as they did in the US Air Force.

We respectfully request that the Board review all evidence of record. The FSM's record displays that his service was meritorious and honorable. We request that the FSM receive a discharge upgrade based on equity. We request that his discharge reflect his courage, commitment, and character, and that is honorable.

Respectfully yours,

A large, dark, irregular redacted area covering the signature of the National Service Officer.

National Service Officer

[REDACTED]

September 18, 2001

Dear Sir/Madam:

I am asking that my characterization of discharge be upgraded to that of honorable or general under honorable conditions. I believe that my prior service record and the efforts I have taken since my discharge have and will continue to support my request.

I have served my nation as an officer within the Army Veterinary Corps (July 1987 – January 1997) and as a Public Health Officer in the United States Air Force (February 1997 – April 2000). I received an Honorable Discharge upon my release from the Army, but my discharge from the USAF has been categorized as “other than honorable.” This was a result of a charge made against me associated with a claim for tuition assistance made at Randolph Air Force base during the first months of 1999. The base legal office pursued the charge of fraud to the extent where I was encouraged to submit a Resignation in Lieu of (RILO) an impending court martial. I submitted this RILO only after considering the issues of my wife’s medical conditions and the availability of legal representation on my behalf.

I maintain that I have never committed any act of fraud against the Air Force or the United States government. It was my action to research and submit a revised claim that initiated the action taken by the base legal office in the first place. I never received or accepted a reimbursement or monetary award for the education I undertook during my active duty service, and yet these accusations effectively ended my career.

During this career I made positive contributions to the Air Force community. I developed and implemented a surveillance system to track diseases confronting over 24,000 multi-service members deployed to the Middle East, and subsequently reporting the health status to members of the Senate as well as to ranking members of CENTCOM and the Pentagon. During my deployment in 1998, I assisted in the development of tracking systems to support the Anthrax Vaccine Implementation Program (AVIP). My ability to develop similar programs improved the compliance of the AVIP at Randolph AFB, and streamlined the pre-deployment requirements for all outgoing members.

I also enjoyed opportunities to serve the non-military members of the Air Force community. I take great satisfaction for establishing a youth soccer program for the Randolph and Brooks AFB youth centers. I coached these young players and served as the league commissioner, budgeting supplies, scheduling games, preparing facilities, and recruiting Air Force service members as coaches and mentors.

I continue to serve within the realm of my professional training as I did during my uniformed service, as a Public Health officer. I am now undertaking my long-standing goal I gaining an academic proficiency in disease surveillance and prevention. As of August 2000, I have begun my doctoral studies at the University of Colorado, Health Science Center. I intend to complete the requirements for a PhD in Epidemiology by 2004, and I will continue to serve as an advocate

of disease prevention and community health initiatives. I did this as an officer and commander of the Public Health organization at Randolph Air Force base from 1997 to 2000.

I continue to be active within community programs, especially those that serve our youth. As I had developed the youth soccer programs for the Randolph youth center, I remain involved as a coach and advisor to the Fort Collins Youth programs. I still encourage neighborhood-based and informal play of soccer, baseball and other youth centered sports. I have recently become involved with the scouting organizations of this community, and I enjoy the opportunity to organize hikes and river rafting trips for young outdoor enthusiasts.

I continue to manage as best I can the medical needs of my wife, as she had been diagnosed with multiple sclerosis shortly after I entered active duty service with the Air Force. This present environment affords her the best medical and environmental conditions possible for a disease without cure. She has once again found employment within the professional capacity she once enjoyed prior to being diagnosed with this progressive disease, and I hope my post-graduate work may someday help in assessing new prevention and treatment strategies.

I have tried to build on the goals associated with my career and community since my departure from the Air Force. I thoroughly enjoyed working and living as a member of the Air Force community, and as an officer fortunate to have worked along side the top-notch enlisted and officer colleagues during the three years I served at Randolph Air Force base.

I ask only that my contributions and service record be weighed against the questionable evidence associated with the charges made against me during my last months of active duty service. I ask that my discharge as "other than honorable" be upgraded appropriately.

Thank you for your consideration with my request.

Sincerely

