

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES	A94.06	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
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE	CASE NUMBER	
06 Dec 2003	FD-2002-0122	

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

Case heard at Randolph AFB, Texas.

+ Change reason and authority to Secretarial Authority

Advise applicant of the decision of the Board.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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ENDORSEMENT		DATE: 12/6/2003
TO:	FROM:	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2002-0122

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

The applicant appeared before the Discharge Review Board (DRB) at Randolph AFB, Texas, on 6 December 2003. The applicant was represented by counsel, [REDACTED] of the Texas Veterans Commission.

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

The applicant submitted the following additional documentary evidence:
Exhibit #6, Medical Evaluation, dated 4 November 1999.

FINDINGS: The Board grants the requested relief.

The Board finds that the evidence of record and that provided by the applicant substantiates an inequity which justifies a change of discharge.

ISSUE:

Applicant contends that his discharge was inequitable because his alleged misconduct was a result of his mental health.

Prior to the commission of the applicant's offenses, he was the subject of a Medical Evaluation Board for a medical condition that is disqualifying for continued military service. The applicant subsequently was diagnosed with an associated Major Depressive Disorder, for which the evaluating psychiatrist determined would result in a "moderate" degree of impairment for further military service and a corresponding "definite" degree of impairment in civilian social and industrial adaptability. The aforementioned severity levels correlate with a disability rating in accordance with the Veterans Administration Schedule for Rating Disabilities which could have resulted with the applicant's removal from military service. However, the applicant was instead retained on active duty following an assessment by the Military Disability Evaluation System for his fitness for continued military service. Consequently, the applicant was returned to duty and reassigned custodial jobs within his organization.

The applicant testified that as a result of disclosures of his primary diagnosis within his unit of assignment, his depressive illness worsened. The applicant further testified it was the perceived "death sentence" he received for his illness and the secondary depression that led him to use illegal narcotics as they produced some degree of comfort. Based on the specific facts surrounding this case, the Board concluded an upgrade of the applicant's discharge and reason for discharge was the most appropriate course of action.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was inequitable because of the unique facts and circumstances surrounding the applicant's service on active duty. In view of the foregoing findings the board further concludes that the applicant's discharge should be changed. The Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and 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 pursuant to 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

MISSING DOCUMENTS

[REDACTED]
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF 00/07/21 UP AFI 36-3208, para 4.3 (Discharge in Lieu of Trial by Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 77/12/15. Enlmt Age: 20 1/12. Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-95, E-62, G-84, M-53. PAFSC: 3P051 - Security Forces Journeyman. DAS: Unknown.

b. Prior Sv: (1) AFRes 98/01/23 - 98/04/14 (2 Mos 22 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 98/04/15 for 4 yrs. Svd: 2 Yrs 3 Mos 7 Das, all AMS.

b. Grade Status: AB - 00/07/20 (Article 15, 00/07/20)
AMN - 00/05/11 (Article 15, 00/05/11)
A1C - (EPR Indicates: 98/04/15-99/12/14)
AMN - 98/10/15

c. Time Lost: None.

d. Art 15's: (1) 00/07/20, Barksdale AFB, LA - Article 86. You did, on or about 5 Jul 00, without authority, absent yourself from your place of duty at which you were required to be, and did remain so absent until on or about 6 Jul 00. You did, on or about 10 Jul 00, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to the grade of AB.
(No appeal) (No mitigation)

(2) 00/05/11, Barksdale AFB, LA - Article 92. You, who knew or should have known of your duties, between on or about 22 Oct 99 and on or about 26 Dec 99, were derelict in the performance of those duties in that you willfully failed to limit your use of your Government Travel Card to official government travel expenses, as it was your duty to do. Article 132. You did, on or about 13 Dec 99, by preparing a voucher for presentation for approval of payment, make a claim against the United States in the amount of \$377.50 for

temporary duty travel expenses, which claim was false and fraudulent in the amount of \$82.00 in that you did not incur \$82.00 in per diem expenses and was then known by you to be false and fraudulent. You did, on or about 13 Dec 99, by preparing a voucher for presentation for approval of payment, make a claim against the United States in the amount of \$343.20 for temporary duty travel expenses, which claim was false and fraudulent in the amount of \$31.50 in that you did not incur \$31.50 in per diem expenses and was then known by you to be false and fraudulent. Article 86. You did, on divers occasions between 15 Apr and 16 Apr 00, without authority fail to go to your appointed place of duty. Reduction to the grade of AMN, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 98/04/15 - 99/12/14 Barksdale AFB 4 (Initial)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (29) Das

TAMS: (2) Yrs (3) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/03/13.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

ATCH

1. Applicant's Issues.

02/10/21/cr

Case Window for 284197 [GCM] (View), Case ID: 284197
Printed on 08-Oct-2002 11:53:41 AM by on

Input: 13 Jul 2000	Base input completed: <input type="checkbox"/>	GCM input completed: <input type="checkbox"/>	SSN: <input type="text"/>
Closed: 19 Jul 2000	Disposition: 001 HC Approved	ACM number: <input type="text"/>	Case ID: <input type="text"/>

- General Court-Martial
- Member
- Investigation
 - Investigation Info
 - Pending Offenses
 - Disposition
- Pretrial
 - Pretrial Information
 - Discharge Request
 - Charges Preferred
 - Article 32 Investigation
 - Special Interest

Charges Preferred	Accuser
Mode: <input type="radio"/> Edit <input type="radio"/> Order <input checked="" type="radio"/> Test	Total offenses: 1 / Total charges: 2
CHARGE: Violation of the UCMJ, Article 112a	
Specification 1: In that AIRMAN [REDACTED] United States Air Force 2d Security Forces Squadron, Barksdale Air Force Base, Louisiana, did, within the continental United States, on or about 11 April 2000, or on or about 11 April 2000, wrongfully use marijuana.	
Specification 2: In that AIRMAN [REDACTED] United States Air Force 2d Security Forces Squadron, Barksdale Air Force Base, Louisiana, did, within the continental United States, on or about 21 May 2000, wrongfully disclose marijuana.	

List View
Select Mode