

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		GRADE AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>				
TYPE GEN	X	PERSONAL APPEARANCE					
NAME OF COUNSEL AND OR ORGANIZATION Mr. Mike Stahl		ADDRESS AND OR ORGANIZATION OF COUNSEL Texas Veterans Commission					
YES	No						
MEMBER SITTING		HON	GEN	UOTHC	OTHER	DENY	
		X+					
		X+					
		X+					
		X+					
		X+					
ISSUES A42.00	INDEX NUMBER A67.10		ORDER APPOINTING 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 04 Dec 2003		CASE NUMBER FD-2002-0208					

Case heard at Randolph AFB, Texas

+ Change reason and authority to Secretarial Authority.

Advise applicant of the decision of the Board and the right to appeal to the AFBCMR.

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-2002-0208

GENERAL: The applicant appeals for upgrade of discharge to Honorable and to change the reason of discharge to Personality Disorder. The RE Code remains unchanged.

The applicant appeared before the Discharge Review Board (DRB) at Randolph AFB, Texas on 4 December 2003. The applicant's father, Br. [REDACTED] appeared as a witness on behalf of the applicant. The applicant was also represented by Mr. [REDACTED] of the Texas Veterans Commission.

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

FINDINGS: Upgrade of Discharge and change of Reason for Discharge are approved. Change of reenlistment code is denied.

ISSUE: The applicant received a General (under Honorable conditions) discharge for a Personality Disorder and a Pattern of Misconduct, consisting of conduct prejudicial to good order and discipline. The applicant's principal issue is she feels she should have received an Honorable discharge and that the reason for her discharge should have been only for her medical diagnosis. There is evidence of record the applicant was first referred for a mental health evaluation on 19 June 1990, for "numerous problems in the workplace", following which she was diagnosed with a Personality Disorder. The recommendation was made by the mental health provider to permanently disqualify the applicant from the Sensitive Duties Program. She was subsequently reassigned to a different organization, but continued to encounter occupational problems primarily involving interpersonal relationships with her supervisors and peers. The two key incidents which resulted in the member's administrative discharge were her inappropriate remarks made to a group of recruits walking along a sidewalk and the act of passing around two photographs of an officer within her supervisory chain, one with a sullen look and the other with a grin, which evoked a humorous response by her coworkers. As a result she was once again referred for a mental health evaluation and again was diagnosed with a Personality Disorder. The Board agreed the aforementioned episodes of misconduct were inappropriate, but opined the applicant's underlying Personality Disorder bears a significant causal relationship with her misconduct. The Board noted the applicant's previous command authorities elected to retain the applicant and approve her reassignment to another organization with full knowledge of the existence of a mental disorder, deemed possibly unsuited for further military service. Therefore, the Board concluded the applicant should have been discharged instead for her 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 further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and that the reason for her discharge should be changed to Personality Disorder.

Attachment:
Examiner's Brief

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

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 92/05/29 UP AFR 39-10, para 5.11(i) & 5-47(b) (Personality Disorder and Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 71/06/18. Enlmt Age: 18 1/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-86, E-43, G-62, M-15. PAFSC: 73250 - Personnel Specialist. DAS: 91/12/12.

b. Prior Sv: (1) AFRes 89/08/08 - 89/08/29 (22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 89/08/30 for 4 yrs. Svd: 02 Yrs 09 Mo 00 Das, all AMS.

b. Grade Status: AMN - 92/04/20 (Article 15, 92/04/20)
A1C - 91/03/02
AMN - 90/02/28

c. Time Lost: none.

d. Art 15's: (1) 92/04/20, Randolph AFB, TX - Article 89 - You, on or about 02 Apr 92, behave yourself with disrespect toward Captain -----, your superior commissioned officer, then known by you to be your superior commissioned officer by removing copies of his official photograph from his personnel records and writing on the photograph in which he had a solemn expression "before", and writing on the photograph of him with a smiling expression "after crack took over" and delivering said photos to CMSgt ----- in an envelope marked "open for a good laugh." Article 134. You, on or about 02 Apr 92, willfully and wrongfully disclosed information from official Air Force records subject to the Privacy Act, 5 U.S.C. 552a and Air Force regulation 12-35, to wit: the Social Security Number of Captain -----, to a person not entitled to receive it and that you had access to this information by virtue of your official position and that at the time you disclosed said information you knew that the disclosure of the information was prohibited by the Privacy Act and Air Force regulation 12-35 and that your conduct was prejudicial to the maintenance of good order and discipline in the Armed Forces. Reduction to Amn.

(No appeal) (No mitigation)

- e. Additional: LOR/UIF, 12 FEB 92 - Harassing a group of trainees.
- f. CM: none.
- g. Record of SV: 89/08/30 - 91/04/29 Randolph AFB 3 (Initial)
91/03/30 - 91/12/12 Randolph AFB 3 (CRO)

(Discharged from Randolph AFB)

- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (02) Yrs (09) Mos (22) Das
TAMS: (02) Yrs (00) Mos (09) Das

- 4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/05/07.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
none.

02/08/19/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 12TH FLYING TRAINING WING (ATC)
RANDOLPH AIR FORCE BASE TX 78150-5000

REPLY TO
ATTN OF:

JA (Major: [redacted])

18 May 92

SUBJECT:

Legal Review, AFR 39-10 Discharge, Amn [redacted]

TO:

12 FTW/CC

1. We have reviewed the attached discharge file concerning Amn [redacted] and find it legally sufficient to support discharge. This discharge action was initiated under AFR 39-10, chapter 5, paragraph 5-11i for a personality disorder and paragraph 5-47b for a pattern of misconduct prejudicial to good order and discipline. Amn [redacted] squadron commander recommends a general discharge and does not recommend probation and rehabilitation. The recommendation for discharge is based upon information contained in paragraph 2 of the Letter of Notification and the supporting documentation. The basis is summarized as follows:

- a. She was diagnosed as having a chronic personality disorder that is severe enough to impair her ability to function in the military environment as evidenced by a mental health report dated 9 Apr 92.
- b. She, on or about 2 April 1992, at or near Randolph Air Force Base, Texas, behaved herself with disrespect toward Captain [redacted]; her superior commissioned officer, then known by her to be her superior commissioned officer by removing copies of his official photograph from his personnel records and writing on the photograph in which he had a solemn expression "before", and writing on the photograph of him with a smiling expression "after crack took over" and delivering said photos to CMSgt [redacted] in an envelope marked "open for a good laugh" as evidenced by an Article 15 dated 20 Apr 92.
- c. She, on or about 2 April 1992, at or near Randolph Air Force Base, Texas, willfully and wrongfully disclosed information from official Air Force records subject to the Privacy Act, 5 U.S.C. 552a and Air Force regulation 12-35, to wit: the Social Security Number of Captain [redacted]; to a person not entitled to receive it and that she had access to this information by virtue of her official position and that at the time she disclosed said information she knew that the disclosure of the information was prohibited by the Privacy Act and Air Force regulation 12-35 and that her conduct was prejudicial to the maintenance of good order and discipline in the Armed Forces as evidenced by an Article 15 dated 20 Apr 92.
- d. She, on or about 21 Jan 92, at Lackland AFB, TX harassed a group of Air Force basic trainees by driving close to them and splashing water on them and telling them "Don't look at me, I'm a TI" or words to that effect as evidenced by an AF Form 1569 dated 21 Jan 92 and a LOR/UIF entry dated 12 Feb 92.

3. The respondent is 21 years old, and enlisted on 30 Aug 89. Her two EPRs are rated overall at 3 and 3. The respondent has submitted statements for your consideration.
4. The respondent's squadron commander does not recommend probation and rehabilitation (P&R). In his recommendation letter the commander states that the medical authorities have determined that separation is in best interest of Amn Franks and the Air Force.
5. As the SPCM convening authority, you may:
 - a. Direct retention; or
 - b. Direct separation with a general discharge, with or without P&R; or
 - c. Recommend to LTC/CC that the respondent be separated with an honorable discharge; or,
 - d. Return this package to the squadron commander and direct that it be processed as a board hearing case to recommend an under other than honorable conditions discharge.
6. I recommend that you direct separation with a general discharge without P&R. A preponderance of the evidence in this file supports this recommendation. The respondent's record does not merit an honorable discharge and her personality disorder weighs against offering P&R.

Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
12TH MISSION SUPPORT SQUADRON (ATC)
RANDOLPH AIR FORCE BASE TX 78150-5000

REPLY TO
ATTN OF: CC

30 APR 1992

SUBJECT: Notification Letter

TO: Amn Pamela P. Franks, FR [REDACTED], 12 MSSQ

1. I am recommending your discharge from the United States Air Force for a personality disorder and a pattern of misconduct, consisting of conduct prejudicial to good order and discipline. The authority for this action is AFR 39-10, paragraphs 5-11(i) and 5-47(b). If my recommendation is approved, your service will be characterized as honorable or general (under honorable conditions). I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. You were diagnosed as having a chronic personality disorder that is severe enough to impair your ability to function in the military environment as evidenced by a mental health report dated 9 Apr 92.

b. You did, on or about 2 April 1992, at or near Randolph Air Force Base, Texas, behave yourself with disrespect toward Captain [REDACTED], your superior commissioned officer, then known by you to be your superior commissioned officer by removing copies of his official photograph from his personnel records and writing on the photograph in which he had a solemn expression "before", and writing on the photograph of him with a smiling expression "after crack took over" and delivering said photos to CMSgt [REDACTED] in an envelope marked "open for a good laugh" as evidenced by an Article 15 dated 20 Apr 92.

c. You, on or about 2 April 1992, at or near Randolph Air Force Base, Texas, willfully and wrongfully disclosed information from official Air Force records subject to the Privacy Act, 5 U.S.C. 552a and Air Force Regulation 12-35, to wit: the Social Security Number of Captain [REDACTED], to a person not entitled to receive it and that you had access to this information by virtue of your official position and that at the time you disclosed said information you knew that the disclosure of the information was prohibited by the Privacy Act and Air Force Regulation 12-35 and that your conduct was prejudicial to the maintenance of good order and discipline in the Armed Forces as evidenced by an Article 15 dated 20 Apr 92.

d. You, on or about 21 Jan 92, at Lackland Air Force Base, Texas, harassed a group of Air Force Basic trainees by driving close to them and splashing water on them and telling them "Don't

look at me, I'm a TI" or words to that effect as evidenced by an AF Form 1569 dated 21 Jan 92 and a LOR/UIF entry dated 12 Feb 92.

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 will be 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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, Capt [redacted], at Bldg 399 on 1 May 92 at 1030. 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 5 May 92, 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 been scheduled for a medical examination. You must report to the Randolph Clinic on 5 May 92 at 0745.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.

8. Execute the attached acknowledgment and return it to me immediately.

[redacted]
Commander

6 Atchs

1. Mental Health Evaluation, dtd 9 Apr 92
2. AF Form 3070, dtd 20 Apr 92
3. AF Form 1569 w/atch, dtd 21 Jan 92
4. LOR, dtd 12 Feb 92
5. UIF Summary