

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	X PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	
NAME OF COUNSEL AND OR ORGANIZATION		

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
	X+				
	X+				
	X+				
	X				
	X+				

ISSUES A94.06, A42.00	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 27 FEB 03	CASE NUMBER FD2002-0261	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
+ Change reason to personality disorder.
Case heard at Andrews AFB, Maryland.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 27 FEB 03
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0261

GENERAL: The applicant appeals for upgrade of discharge to Honorable, and change of reason for discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD on February 27, 2003.

FINDINGS: The discharge is upgraded to Honorable, and the reason for discharge is changed to Personality disorder.

The Board finds that evidence of record and that provided by the applicant substantiates an injustice that justifies upgrade of the discharge.

ISSUES: The applicant's issues are listed in the attached brief. The applicant contends that his discharge was too harsh and inequitable because his misconduct was of isolated and minor nature, and the positive aspects of his career outweighed the negative aspects. He contends his discharge was improper since he had a medical condition that led his doctors to recommend separation. The record indicates the applicant received an Article 15 for being away without authority and failure to go. In addition, the applicant also received 2 Letters of Reprimand and 2 Letters of Counseling for financial irresponsibility and failure to go over a span of one year. Evidence of the record shows the applicant was hospitalized on two occasions for emotional symptoms in the months leading to his discharge. His final diagnoses were Personality Disorder and Adjustment Disorder, conditions rendering him unsuitable for continued service and subject to administrative discharge by his commander and specifically excluded for consideration in the disability system. The evaluating psychiatrist recommended administrative discharge for unsuitability.

After a thorough review of the record and listening to testimony during this hearing, the Board concluded that the applicant's commander had two bases for discharge, misconduct and unsuitability due to mental conditions. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other information contained in the records. The applicant's duty performance as an Air Traffic Controller at his European base was characterized as outstanding including during the Gulf War when the very high volume of air traffic demanded top performance from Air Traffic Controllers. The Board found that the positive aspects of the applicant's duty performance outweighed the negative aspects that were intertwined and mitigated to some degree by his mental conditions, and concluded that the characterization of the member's service justified an upgrade to honorable. The board concluded that the basis for the Article 15 punishment was accurate and that the applicant was responsible for his behavior and was afforded proper due process during his discharge proceeding. The commander had the option to choose misconduct as the basis for discharge and no impropriety in his choice was evident, but the Board concluded that unsuitability due to Adjustment Disorder and Personality Disorder was a more accurate basis for discharge.

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 evidence of the record and testimony finds that the basis for discharge was more accurately unsuitability due to personality disorder, and service deserving of characterization as honorable. In view of the foregoing findings the Board concludes that there exists an equitable basis for upgrade of discharge, thus the applicant's discharge should be changed to Honorable and the reason 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 92/06/05 UP AFR 39-10, para 5-46 and 5-11i (Misconduct - Minor Disciplinary Infractions and Personality Disorder). Appeals for Honorable Disch and to Change Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 70/04/04. Enlmt Age: 18 9/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-28, E-78, G-64, M-91. PAFSC: 27250 - Air Traffic Control Operator. DAS: 89/11/29.

b. Prior Sv: (1) AFRes 89/01/20 - 89/03/13 (1 Mo 24 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 89/03/14 for 4 yrs. Svd: 3 Yrs 2 Mos 22 Das, all AMS.

b. Grade Status: AMN - 92/03/12 (Article 15, 92/03/12)
 A1C - 90/07/14
 AMN - 89/09/14

c. Time Lost: None.

d. Art 15's: (1) 92/03/12, Torrejon AB, Spain, Article 86. You, did, on or about 3 Mar 92, without authority, absent yourself from your unit, to wit: Building 201, and did remain so absent until on or about 4 Mar 92. Article 86. You, did, on or about 5 Mar 92, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 201. Reduction to the grade of AMN, and 30 days extra duty. (Appeal denied) (No mitigation)

e. Additional: LOR, 18 MAY 92 - Failure to obey a lawful order.
 LOC, 11 DEC 91 - Financial irresponsibility.
 LOR, 24 SEP 91 - Financial irresponsibility.
 LOC, 10 APR 91 - Failure to go on two occasions.

f. CM: None.

g. Record of SV: 89/03/14 - 90/11/13 [REDACTED] 3 (Initial)
 90/11/14 - 91/11/13 [REDACTED] 2 (Annual) REF

(Discharged from McGuire AFB)

h. Awards & Decs: NDSM, AFTR, AFOUA, AFOLTR.

i. Stmt of Sv: TMS: (3) Yrs (4) Mos (16) Das
TAMS: (3) Yrs (2) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/06/15.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

02/09/18/cr



June 15, 2002

I entered the Air Force on March 14, 1989, at the age of eighteen. Upon completion of basic training at Lackland AFB, I attended air traffic control school at Keesler AFB. During my training, it came to my attention that the Air Force had a need for Spanish-speaking air traffic controllers in Spain. I volunteered, was tested for Spanish language proficiency, and was assigned to Torrejon AB.

I arrived at Torrejon with my family on an accompanied tour on November 29, 1989. The length of my tour was to be three years, with a reassignment date of November 1992. However, had I been reassigned in November of 1992, I would only have had three or four months remaining on my enlistment. This would not allow me to meet the minimum one-year requirement in order to be reassigned. In addition, Torrejon was due to be closed down before the end of my tour. I was rescheduled to PCS in February of 1992, in order to meet the one-year retention requirement in order to be reassigned.

On January 4, 1992, I developed a medical condition that immediately classified my aeromedical status as duties not including controlling (DNIC). I was prescribed strong psychotropic medication with severe side effects.

Due to my medical problems, I was admitted to the hospital as an inpatient, pending diagnostic work, and was transferred to RAF Lakenheath, for evaluation on January 20, 1992. Upon completion of my evaluation at the hospital at Lakenheath, doctors recommended that I continue on medication, that I be observed for 60-90 days, and then have my air traffic control status reviewed.

Upon returning to Torrejon AB, the flight surgeon asserted that my medical condition disqualified me for both air traffic control duties, and worldwide duties. He recommended that I be permanently decertified for air traffic control duties. In addition, he recommended that I be scheduled for an evaluation by a medical evaluation board, due to my having been disqualified for worldwide service.

On March 28, 1992, I departed Torrejon AB, bound for the medical evaluation board at Wilford Hall, Texas. I stopped at Wiesbaden, Germany, in order to take a flight that was to depart for CONUS the following morning. Apparently, a physician at Wiesbaden felt that proper procedures were not being followed, and that my case was being handled inappropriately. This physician made the decision that I remain at Wiesbaden for evaluation and treatment.

During my one-month stay at Wiesbaden, doctors changed my current medication, and changed my diagnosis. I was sent back to Torrejon AB with the recommendation from doctors that I be separated from the Air Force based on my diagnosis of a disorder that was severe enough to interfere with my ability to function effectively in the military.

During the period, being that I was disqualified from performing air traffic control duties, I was assigned to temporary duty at my squadron building. I reported to the Operations Center, and basically performed whatever tasks were requested of me.

On March 2, 1992, I experienced car problems. I called the Operations Center and apprised the NCOIC of my situation. He told me to resolve my car problem and report to work when I was able.

The following morning, March 3, 1992, I called to update the staff at the Operations Center of my situation. I was told that an NCO from the air traffic control office wanted me to call. I called this particular NCO and was reprimanded for not having reported to duty at the Operations Center. I was quite surprised, as this individual was not my supervisor, and explained to him that I had called and cleared my absence with the Operations Center. He told me that I was to report to him as soon as possible. I resolved my transportation problems late that afternoon, and reported to the NCO from air traffic control first thing the following morning.

On March 5, 1992, I reported to duty at the Operations Center, as usual. Some time after arriving, the same NCO with whom I had spoken to on the previous day, came to the Operations Center, and asked me why I had not reported to him that morning. I had not reported to him because I was not aware that I was supposed to report to him.

As a result of these two incidents, the following day, I received an Article 15, and was punished by being reduced in rank, and given 30 days extra duty at the base sewage treatment plant. It was during my appeal to my Article 15 that I was sent to the medical evaluation board, and held over in Wiesbaden for a month.

Upon returning to Torrejon AB, my appeal to my Article 15 was denied. I performed 30 days of extra duty at the base sewage treatment plant, and was summarily discharged from the Air Force, for misconduct, and for having a medical condition that disqualified me from being able to perform my job.

I do not believe that the events that led to my receiving an Article 15 (transportation problems) warranted my discharge from the United States military. Even still, I don't believe that my actions warranted anything other than an honorable discharge.

I do believe however, that the main factors that contributed to my discharge were that I was on a military installation that was almost completely closed, I developed medical problems, I didn't have enough time left in service to be reassigned to another station, and I was disqualified from being able to perform the job that I was trained to do.

I know for fact that if I had not developed medical problems, I would have been assigned to a stateside base by February of 1992, and had the choice of reenlisting, or separating normally in March of 1993. Unfortunately, my medical condition arose in January. Even if my condition had been treated to an extent that would have allowed me to continue working in air traffic control, by the time I returned from RAF Lakenheath, I did not have sufficient time remaining in service to be assigned to another base, and would therefore have been discharged before my enlistment had been completed.

A decision was made to separate me and I was on an aircraft bound for the U.S. the following day. My medical condition was worsening at the time, and the day before I left, a sympathetic doctor gave me several months worth of drugs to help me after my discharge. I was not allowed to pack my household goods. Whoever packed my household goods was kind enough to include my kitchen trash as well. My wife and child were in another European country visiting family at the time. The government stranded them in Europe, and I had to fly back to Europe to collect them at my own expense. The Air Force flew them to Spain, and then made it my responsibility and expense to return them to the U.S.

I spent my last four months in the Air Force going in and out of hospitals, having different doctors prescribing different medications and providing different diagnosis. The only thing that all of the doctors agreed upon, was that I should be discharged from service because of my condition. In the end, I received a discharge for misconduct, and a derogatory characterization.

To this day, I still experience problems and have medical costs that are associated with the condition that I developed while in the service. In addition to the characterization and reason for my discharge being improper and inequitable, they are unjust, as they have impeded my attempts to seek employment and further my education for the last 10 years of my life.

I took very seriously my job as an air traffic controller. During Desert Shield and Desert Storm, Torrejon AB worked 60% of the air traffic going downrange. I worked many aircraft in emergency situations. I took extreme pride in my job and my place in the United States Air Force. I served my country honorably.

I am requesting that the characterization of my discharge be upgraded from General (Under Honorable Conditions), to Honorable. Likewise, I am requesting that my reason for discharge be changed as well, to whatever would reflect my lack of time left in service to be reassigned.

Sincerely,

A large, dark, irregular redaction mark covering the signature area of the letter.

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 600TH AIR BASE GROUP (USAFB)
APO AE 09641-5000

29 MAY 1992

JA [REDACTED] 5306)

Legal Review: Administrative Discharge IAW AFR 39-10, para 5-11i and 5-46
[REDACTED]

600 ABG/CC

1. I have reviewed the subject case file and find it to be legally sufficient to separate [REDACTED] for both minor disciplinary infractions and a personality disorder under AFR 39-10, paragraphs 5-46 and 5-11i. I recommend that you select minor disciplinary problems as the primary reason for discharge. I recommend that you approve separation with a general discharge without probation and rehabilitation (P&R).

2. Factual Background:

a. Respondent is a 22 year old Air Traffic Controller. The Respondent has a total active federal military service date of 14 Mar 89. [REDACTED] was assigned to his present unit on 29 Nov 89.

b. On 15 May 92, the former 600th Communications Squadron Commander, [REDACTED] initiated administrative discharge action under the provisions of AFR 39-10, para 5-46 and 5-11i. [REDACTED] recommended a general discharge under para 5-46 without P&R. On 18 May 92, the current 600th Communications Squadron Commander, [REDACTED] added an addendum to the administrative action for the Respondent's Letter of Reprimand dated 18 May 92. [REDACTED] likewise recommends that the Respondent receive a general discharge under para 5-46.

3. Summary of Evidence:

a. For the Government: The evidence for the government consists of a Mental Health Evaluation, an Article 15, two Letters of Reprimand, and two Letters of Counseling. From 1 Apr to 28 Apr 92, Maj [REDACTED], Staff Psychiatrist, 7100 CSW Medical Center, evaluated the Respondent and diagnosed his condition as a personality disorder unlikely to be modified that interferes with his duty performance and conduct. Maj [REDACTED] concluded that his administrative and occupational problems which led to administrative action were not due to a mental disorder, but to the Respondent's attitude. Maj [REDACTED] stated that the Respondent lost any motivation to remain on active duty because he felt that the military was "not good enough for me."

Maj [redacted] determined that the Respondent was not qualified for worldwide duty, he was not qualified for duties associated with PRP program and use of weapons, and that his condition is severe enough that his ability to function in the military is significantly impaired.

On 12 Mar 92, the Respondent received an Article 15 for being absent from work without authority on 3 Mar 92 and failure to go on 5 Mar 92. The Respondent received a Letter of Reprimand for failure to obey a lawful order to report to the 600 ABG Clinic at 0730 hours on 18 May 92, and a Letter of Reprimand with a UIF on 24 Sep 91 for failure to pay his rent on time on three separate occasions. He received a Letters of Counseling for being delinquent in paying his Open Mess account on 11 Dec 91, and for missing a scheduled appointment on 10 Apr 91.

b. For the Respondent: The Respondent is entitled to wear the Air Force Training Ribbon, the National Defense Service Medal, and the Air Force Outstanding Unit Award. He has received the following ratings on his EPRs: 14 Nov 90 to 13 Nov 91- 2, 14 Mar 89 to 13 Nov 90 - 3.

The Respondent submitted statements on his own behalf. In his statement of 21 May 92, the Respondent agrees that he should be discharged but asks that his characterization of service be honorable. [redacted] disputes his culpability for the Article 15 by claiming that he had permission to leave on 3 Mar 92 and to come to work late on 3 Mar 92. [redacted] states that he was given a Letter of Counseling for being delinquent in paying \$6.00. [redacted] states that he was late in paying his rent because his wife was delivering his child in Belgium. [redacted] states that he received his 10 Apr 91 Letter of Counseling because he confused the day he was to report for a detail. Furthermore, [redacted] includes a referral EPR that was withdrawn from his discharge package due to an insufficient period of supervision by his rater.

[redacted] submitted statements saying that [redacted] is a competent air traffic controller for his experience level, but that personal problems make his behavior incompatible with Air Force standards.

4. Errors and Irregularities: None.

5. Discussion: Discharge under both AFR 39-10, para 5-46, minor disciplinary misconduct, and para 5-11i, personality disorders, are supported by the evidence. The Respondent is clearly unsuited for further military service due to his misconduct, which was not related to a mental disorder. Furthermore, his appeal of administrative action taken against him is not supported by the evidence. AFR 39-10, para 5-7 states that a discharge under para 5-11i is only appropriate when discharge for cause is not warranted, and requires an honorable discharge. Since discharge for misconduct is warranted, I recommend that para 5-46 be designated as the reason for discharge. [redacted]

misconduct both on and off duty outweigh positive aspects of his duty performance, making his characterization of service as general appropriate. IAW AFR 39-10, para 1-18a, an honorable discharge is appropriate only when the quality of the airman's service has met Air Force standards of acceptable conduct and performance of duty. Since [REDACTED] has not responded to the efforts his squadron has made to bring his problems to his attention, probation and rehabilitation is not appropriate.

6. Conclusion: The file is legally sufficient to warrant separation with a general discharge for minor disciplinary infractions or an honorable discharge for a personality disorder. As the convening authority, you may:

a. Approve separation with a general discharge for minor disciplinary infractions;

b. Forward the case to 16 AF/CC with a recommendation for an honorable discharge for minor disciplinary infractions;

c. Direct reinitiation as a board case and recommend discharge under other than honorable conditions for minor disciplinary infractions;

d. Approve separation with an honorable discharge for a personality disorder; or

e. Direct retention.

7. Recommendation: I recommend that [REDACTED] receive a general discharge without P&R under AFR 39-10, para 5-46.

[REDACTED]

1 Atch

Case File - [REDACTED]

FD 2002-0261



DEPARTMENT OF THE AIR FORCE
401st COMMUNICATIONS SQUADRON (USAF)
APO AE 09641



REPLY TO
ATTN OF: CC

15 May 92

SUBJECT: Notification Letter

TO: [REDACTED] 600 CS

1. I am recommending your discharge from the United States Air Force for Misconduct and for Conditions that Interfere with Military Service. The authority for this action is AFR 39-10, paragraphs 5-46, Minor Disciplinary Infractions, and 5-111, Mental Disorders. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 29 Apr 92, you were diagnosed by Maj [REDACTED], 7100 CSW Medical Center, with a condition that interferes with your duty performance and conduct, which is severe enough that your ability to function in the military is significantly impaired.

b. On 3 Mar 92, you were absent from work without authority, and you failed to go at the appointed time on 5 Mar 92, for which you received an Article 15 on 12 Mar 92.

c. You were delinquent in the payment of your Open Mess account with \$308.55 in outstanding debt payments, for which you received a Letter of Counseling on 11 Dec 91.

d. You failed to pay your rent on time on three separate occasions, for which you received a Letter of Reprimand on 24 Sep 91 and UIF entry on 3 Oct 91.

e. On 9 Apr 91, you failed to go to a scheduled appointment and you failed to go to your appointed place of duty on 10 Apr 91, for which you received a Letter of Counseling on 10 Apr 91.

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 [REDACTED] at Bldg 206, on 15 May 92 at 0940 hrs. 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 [REDACTED] by 20 May 92, unless you request and receive an extension for good cause shown. He 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 600ABG Clinic at 0730 hrs on 18 May 92 for the examination.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the unit orderly room.

[REDACTED]

Atchs

1. Supporting Documents - for the reason for discharge
 - a. 7100 CSW Med Ctr ltr dtd 29 Apr 92
 - b. Art 15 dtd 12 Mar 92
 - c. LOC dtd 11 Dec 91
 - d. LOR dtd 24 Sep 91
 - e. LOC dtd 10 Apr 91
2. Airman's Receipt of Notification Letter