

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A92.37, A93.23</b>	INDEX NUMBER <b>A67.50</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="background-color: #cccccc; padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 5px; text-align: center;"><b>1</b></td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>2</b></td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>3</b></td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><b>4</b></td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	BRIEF OF PERSONNEL FILE		COUNSEL'S RELEASE TO THE BOARD		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE HEARING
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HEARING DATE <b>02-12-20</b>	CASE NUMBER <b>FD2002-0278</b>																	

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

**REMARKS**

**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 <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
INDORSEMENT	DATE: <b>02-12-20</b>

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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0278

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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 is denied.

The Board finds that neither the evidence of record or that provided by applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issues. Applicant was discharged for a pattern of misconduct, and a mental disorder. He had three Letters of Reprimand, two Letters of Counseling, an Article 15, and Unfavorable Information File. He also received an Enlisted Performance Report rated an overall referral "2," and failed his Career Development Course. His misconduct included several instances of failure to go, underage drinking, driving under the influence which resulted in an off-base motor vehicle accident and civilian arrest, drinking within 8 hours before duty, failure to have his dormitory room in inspection order, and failure to have his uniform in inspection order. Applicant asks that his mental health record be taken into account as a contributing factor to his misconduct. At the time of the discharge, applicant's mental health evaluation showed member had been diagnosed with an adjustment disorder and depression, and was used as a secondary basis for the discharge. The Board noted that member was also diagnosed an alcohol abuser, but in spite of member's alcohol use and mental health situation, he was still responsible for his actions of misconduct and must be held accountable for those. He was counseled repeatedly and given numerous opportunities to improve his behavior but failed to respond to those rehabilitative efforts. Furthermore, existence of a character and behavior disorder does not bar separation for any other authorized reason, such as misconduct, if that reason is more appropriate; a discharge for a mental disorder is not appropriate if the airman's record supports discharge for misconduct. No inequity or impropriety was found in this discharge in the course of the records review.

**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.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:

Examiner's Brief

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

[REDACTED]  
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 02/01/31 UP AFI 36-3208, para 5.50.2 and 5.11.1 (Misconduct - A Pattern of Misconduct and Mental Disorders). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 81/03/01. Enlmt Age: 18 10/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-50, E-46, G-46, M-42. PAFSC: 3P031 - Security Forces Apprentice. DAS: 00/08/08.

b. Prior Sv: (1) AFRes 00/01/04 - 00/03/14 (2 Mos 11 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 00/03/15 for 6 yrs. Svd: 1 Yr 10 Mos 17 Das, all AMS.

b. Grade Status: AMN - 01/02/23 (Article 15, 01/02/23)  
A1C - 00/04/28

c. Time Lost: None.

d. Art 15's: (1) 01/02/23, Luke AFB, AZ - Article 92. You, who knew of your duties, on or about 11 Feb 01, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcohol while under the age of twenty-one, as it was your duty to do. You, who knew of your duties, on or about 11 Feb 01, were derelict in the performance of those duties in that you willfully failed to refrain from drinking alcohol within 8 hours before duty, as it was your duty to do. Reduction to the grade of AMN, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 24 APR 01 - Failure to have uniform in inspection order.  
LOC, 14 OCT 00 - Failure to report for duty on time.  
LOR, 11 OCT 00 - Failure to go.  
LOR, 1 SEP 00 - Failure to go and underage drinking.  
LOC, 25 AUG 00 - Dormitory room not in inspection order and alcoholic beverages found in room.

f. CM: None.

g. Record of SV: 00/03/15 - 01/12/15 Luke AFB 2 (Initial) REF

(Discharged from Luke AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (28) Das  
TAMS: (1) Yr (10) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/06/27.  
(Change Discharge to Honorable)

Issue: Please take into consideration my mental health records. I feel that my mental state while enlisted was a contributing factor in my misdeed toward the United States Air Force.

**ATCH**  
None.

02/10/23/cr

FD2002-0278



DEPARTMENT OF THE AIR FORCE  
56th Security Forces Squadron (AETC)  
Luke Air Force Base, Arizona

DATE: JAN 22 2002

MEMORANDUM FOR [REDACTED]

FROM: 56 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for A Pattern of Misconduct. I am also recommending you be discharged for Mental Disorders, specifically for an Adjustment Disorder with Depressed Mood. I am recommending that A Pattern of Misconduct be the primary basis for your discharge. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.50.2 and 5.11.1. This type of discharge can result in either an honorable, general, or under other than honorable conditions discharge. I am recommending your discharge be characterized as general.

2. My primary reasons for this action are:

a. On 21 Aug 00, you failed to have your dormitory room in inspection order. A Letter of Counseling, dated 25 Aug 00, evidences this misconduct.

b. On 27 Aug 00, you were drinking alcohol while under the age of 21. Also on 1 Sep 00, you failed to report to your appointed place of duty at the time prescribed and failed to have your dormitory room in inspection order. A Letter of Reprimand, dated 1 Sep 00, evidences this misconduct.

c. On 2 Oct 00, you failed to report for an appointment at the time prescribed. Also, on 11 Oct 00, you again failed to report for an appointment at the time prescribed. A Letter of Reprimand, dated 11 Oct 00, evidences this misconduct.

d. On 9 Oct 00, you failed to report to your appointed place of duty at the time prescribed. A Letter of Counseling, dated 14 Oct 00, evidences this misconduct.

e. On 11 Feb 01, you failed to refrain from drinking alcohol while under the age of 21. You also failed to refrain from consuming alcohol within 8 hours before duty. An Article 15, dated 23 Feb 01, evidences this misconduct. Your punishment included reduction to the grade of E-2 and 45 days extra duty. An Unfavorable Information File was established.

f. On 19 Apr 01, you failed to have your uniform in inspection order. A Letter of Reprimand, dated 24 Apr 01, evidences this misconduct.

3. My secondary reason for this action is that on 26 Dec 01, you were diagnosed with an Adjustment Disorder with Depressed Mood, as contained in the Diagnostic and Statistical Manual of Medical Disorders. It has been determined that your diagnosed Mental Disorder makes you unsuitable for military service. A memorandum, dated 26 Dec 01, and signed by [REDACTED] Life Skills Support Center, further evidences your inability to function in a military environment.

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation will be provided to you. The commander exercising special court martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the United States Air Force and will likely be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

5. 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, at Building 1150, Suite 3015, Luke Air Force Base, Arizona, extension 6701, on 22 JAN02 at 1400 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 25 JAN02 unless you request and receive, in writing, an extension for good cause. I will forward any statements you submit to the separation authority as part of this package.

7. Failure to consult counsel or to submit statements on your own behalf constitutes a waiver of your right to do so.

8. You must retrieve your medical records from 56th Medical Group Hospital Outpatient Records Section and report to Physical Examinations Section, building 810, with your medical records and a copy of this discharge package for medical review and/or examination.

9. The Privacy Act covers all personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.

10. Sign the receipt of notification and return it to me immediately.

[REDACTED] Maj, USAF  
Commander



DEPARTMENT OF THE AIR FORCE  
56th Fighter Wing (AETC)  
Luke Air Force Base Arizona

FD2002-0278

JAN 28 2002

MEMORANDUM FOR 56 FW/CC

FROM: 56 FW/JA

SUBJECT: Legal Review of Administrative Discharge - [REDACTED]

1. ACTION: This case is before you for review and action in your capacity as the separation authority. The 56 SFS/CC recommends the Respondent be separated from the United States Air Force with a general discharge without probation and rehabilitation pursuant to AFI 36-3208, paragraphs 5.50.2, Pattern of Misconduct and 5.11.1, Mental Disorders. 56 SFS/CC recommends paragraph 5.50.2, Pattern of Misconduct, be designated as the primary basis for discharge. I concur.
2. BACKGROUND: The Respondent is 20 years old and has served approximately 1 year and 9 months of a current 6 year enlistment. His AQE scores are: Admin - 50; Elec - 46; Gen - 46; and Mech - 42. The Respondent's awards and decorations include the Air Force Training Ribbon. The Respondent has received one EPR, dated 15 Mar 00 - 15 Dec 01, rated an overall 2.
3. FACTS: The following actions from the Respondent's current enlistment establish the basis for discharge under paragraphs 5.50.2 and 5.11.1:
  - a. Pattern of Misconduct:
    - (1) On 21 Aug 00, the Respondent failed to have his dormitory room in inspection order. For this incident he received a Letter of Counseling.
    - (2) On 27 Aug 00, the Respondent was drinking alcohol while under the age of 21. Also, on 1 Sep 00, he failed to report to his appointed place of duty at the time prescribed, and failed to have his dormitory room in inspection order. For these incidents he received a Letter of Reprimand.
    - (3) On 2 Oct 00 and 11 Oct 00, the Respondent failed to report for an appointment at the time prescribed. For these incidents he received a Letter of Reprimand.

--Attorney Work Product--

This work product has been prepared by an attorney in the course of performing legal duties on behalf of a client, and is not to be provided to anyone outside the Air Force without approval of the originator or higher authority. It is exempt from disclosure under the Freedom of Information Act under 5 U.S.C. §552(b)(5) and protected from release under FRCP 26(b)(3).

(4) On 9 Oct 00, the Respondent failed to report to his appointed place of duty at the time prescribed. For this incident he received a Letter of Counseling.

(5) On 11 Feb 01, the Respondent failed to refrain from drinking alcohol while under the age of 21, and failed to refrain from consuming alcohol within 8 hours before duty. For this incident he received an Article 15. His punishment included reduction to the grade of E-2 and 45 days extra duty.

(6) On 19 Apr 01, the Respondent failed to have his uniform in inspection order. For this incident he received a Letter of Reprimand.

b. Mental Disorders: In a Mental Health evaluation, dated 26 Dec 01, [REDACTED] diagnosed the Respondent with an Adjustment Disorder with Depressed Mood, as contained in the Diagnostic and Statistical Manual of Medical Disorders (DSM-IV). [REDACTED] determined that the Respondent's mental disorders are so severe that his ability to function in a military environment is significantly impaired. Additionally, [REDACTED] related that the Respondent had to be relieved of duty on several occasions due to his mental status.

4. RESPONDENT'S MATTERS: The Respondent has met with the military defense counsel and has elected not to submit matters regarding this discharge action.

5. BASIS FOR DISCHARGE: 56 SFS/CC cites two reasons for recommending this discharge: Pattern of Misconduct and Mental Disorders. In such cases, AFI 36-3208, paragraph 6.46, requires the separation authority to designate a primary reason for the discharge. I recommend a Pattern of Misconduct be designated the primary basis for discharge.

6. CHARACTERIZATION OF DISCHARGE: 56 SFS/CC recommends a general service characterization for [REDACTED] term of service. A general (under honorable conditions) characterization of service is appropriate if the airman's service has been honest and faithful, and if significant negative aspects of the airman's conduct or duty performance outweigh the positive aspects of his record. During his brief enlistment, [REDACTED] has received two Letters of Counseling, three Letters of Reprimand, and an Article 15. Although, the Respondent's last documented incident of misconduct occurred 8 months ago, AFI 36-3208, paragraph 6.44.3 states that the service characterization that allows the separation authority the most latitude should be applied. In this case paragraph 5.50.2, Pattern of Misconduct, allows the most latitude. The negative aspects outweigh the positive aspects of the Respondent's service record and a general discharge is appropriate.

7. PROBATION AND REHABILITATION (P&R): P&R, in accordance with AFI 36-3208, Chapter 7, would be inappropriate in this case and is clearly contrary to the best interests of good order and discipline. The Respondent has failed to respond to the past rehabilitative efforts made and, it is unlikely further probation and rehabilitation would be productive. Additionally, his diagnosed mental disorder makes probation and rehabilitation impractical.



8. **LEGAL SUFFICIENCY:** There is a sufficient factual basis to support a general discharge in this case. This file has been prepared in substantial compliance with the provisions of AFI 36-3208. Finally, the Respondent has been notified of this discharge, was given the opportunity to meet with the Area Defense Counsel and to present matters for your consideration. For these reasons, we find this case file legally sufficient.

9. **OPTIONS:** As the separation authority, you have the following options:

a. Retain the Respondent; or

b. Separate the Respondent with a general discharge, with or without probation and rehabilitation, designating Pattern of Misconduct as the primary basis for discharge; or

c. Forward the case to 19 AF/CC recommending the Respondent receive an honorable discharge with or without probation and rehabilitation, designating either a Pattern of Misconduct or Mental Disorders as the primary reason for discharge; or

d. If you feel an under other than honorable conditions discharge is appropriate for Pattern of Misconduct, return the package to the squadron for processing in accordance with administrative discharge procedures.

10. **RECOMMENDATION:** Based on the foregoing, I recommend you separate the Respondent from the United States Air Force with a general discharge, without probation and rehabilitation, designating Pattern of Misconduct as the primary reason for discharge.

A large, dark, irregular redacted area covering the signature of the Acting Staff Judge Advocate.

USAF

Acting Staff Judge Advocate