

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

SRA

TYPE
UOTHC

PERSONAL APPEARANCE

X RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES NO

X

MEMBERS SITTING

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES

A94.53, A94.39, A93.23

INDEX NUMBER

A74.00

EXHIBITS SUBMITTED TO THE BOARD

1

ORDER APPOINTING THE BOARD

2

APPLICATION FOR REVIEW OF DISCHARGE

3

LETTER OF NOTIFICATION

HEARING DATE

03-01-03

CASE NUMBER

FD2002-0305

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

Case heard at Washington, D.C.

Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER

SIGNATURE OF BOARD PRESIDENT

INDORSEMENT

DATE: 03-01-06

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, 3RD FLOOR
ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0305

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant received an Under Other Than Honorable Conditions (UOTHC) discharge pursuant to his request to be discharged in lieu of trial by court martial for wrongfully distributing about four tabs of lysergic acid diethylamide (LSD), and wrongfully using LSD. Applicant had also been arrested by civilian authorities for publicly exposing himself several times, and was facing legal problems due to those circumstances, although not used as a basis for the discharge action. Member was also a patient at the Mental Health clinic due to marital discord, which eventually ended in divorce in spite of member's desire to reconcile. He spent one week on the in-patient psychiatry ward at Wilford Hall Medical Center and was diagnosed with an adjustment disorder. The Board concluded member's misconduct was an extremely significant departure from conduct expected of all military members, and further noted that applicant voluntarily submitted his request for discharge in lieu of trial by court martial and acknowledged in doing so his characterization of service could be deemed under other than honorable conditions. In accordance with discharge regulations, airmen discharged under these circumstances usually do have their service characterized as UOTHC. Additionally, in spite of member's mental health situation, he was still responsible for his actions of misconduct and must be held accountable for those; 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]
[REDACTED]
(Former SRA) (HGH SRA)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 00/09/14 UP AFI 36-3208, Chapter 4(Discharge in Lieu of Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 71/11/23. Enlmt Age: 21 4/12. Disch Age: 28 9/12. Educ: HS DIPL. AFQT: N/A. A-72, E-45, G-78, M-60. PAFSC: 2A655 - Aircraft Pneudraulic Systems Journeyman. DAS: (EPR Indicates): 93/04/15-95/04/12.

b. Prior Sv: (1) AFRes 93/04/15 - 93/08/12 (3 months 28 days)(Inactive).

(2) Enlisted as AB 93/08/13 for 4 yrs. Svd: 3 yrs 2 mos 2 day, all AMS. AMN-(EPR Indicates): 95/04/13-96/04/12. A1C - 94/12/13. SRA - 96/08/13. EPRs: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 96/10/15 for 4 yrs. Svd: 03 Yrs 11 MoS 0 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

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

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 96/04/13 - 97/04/12 Dyess AFB 5 (Annual)
97/04/13 - 98/04/12 Dyess AFB 5 (Annual)
98/04/13 - 99/04/12 Dyess AFB 5 (Annual)

(Discharged from Dyess AFB)

h. Awards & Decs: AFLSAR, AFTR, NDSM, AFOUA, AFGCM W/1 DEV.

i. Stmt of Sv: TMS: (07) Yrs (05) Mos (00) Das
TAMS: (07) Yrs (01) Mos (02) Das

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

FD2002-0305

NO ISSUES SUBMITTED.

ATCH

None.

02/11/05/ia