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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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



(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. AlC 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)

NO ISSUES SUBMITTED.

ATCH

None.

02/11/05/ia