

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b>	<b>AFSN/SSAN</b>			
		<b>AIC</b>	[REDACTED]			
<b>TYPE</b>	<input checked="" type="checkbox"/> <b>PERSONAL APPEARANCE</b>		<b>RECORD REVIEW</b>			
<b>COUNSEL</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<b>YES</b>	<b>NO</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>				
	<input checked="" type="checkbox"/>					
<b>MEMBERS SITTING</b>		<b>VOTE OF THE BOARD</b>				
		<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
		<input checked="" type="checkbox"/>				
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		<input checked="" type="checkbox"/>				
		<input checked="" type="checkbox"/>				
		<input checked="" type="checkbox"/>				
<b>ISSUES</b> <b>A93.24</b>	<b>INDEX NUMBER</b> <b>A67.90</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>				
		<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			
<b>HEARING DATE</b> <b>23 APR 03</b>		<b>CASE NUMBER</b> <b>FD2002-0381</b>				
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.</small>						
<b>REMARKS</b>						
<p><b>Case heard at Washington, D.C.</b></p> <p><b>Advise applicant of the decision of the Board.</b></p>						
<b>SIGNATURE OF RECORDER</b>			<b>SIGNATURE OF BOARD PRESIDENT</b>			
<b>INDORSEMENT</b>					<b>DATE: 23 APR 03</b>	
<b>TO:</b>			<b>FROM:</b>			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0381

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason for the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD on April 23, 2003. Applicant's wife [REDACTED] also testified on the applicant's behalf.

The following additional exhibits were submitted at the hearing:

- Exhibit 5: Applicant's contentions.
- Exhibit 6: Info on Attention Deficit & Disruptive Behavior Disorder.
- Exhibit 7: Wife's Social Work Certificate.
- Exhibit 8: Psychological Testing Report.
- Exhibit 9: Letter of Diagnoses.
- Exhibit 10: Daughter's diagnoses.

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

**FINDINGS:** The discharge is upgraded to Honorable. The Reason for discharge is changed to Secretarial Authority.

**ISSUE:** The applicant received a General discharge for Misconduct. Applicant contends the Characterization and Reason for discharge did not accurately represent the basis for separation because of his Attention Deficit Hyperactivity Disorder. After a thorough and complete consideration of the information submitted by the applicant by his personal testimony, and information contained in the record, the Board concluded there was sufficient mitigation and extenuation to substantiate a change in the discharge and the Reason for discharge, but did not change applicant's reenlistment code. The DRB agreed that had the commander, at the time of discharge, known about, or, had the attending physician appropriately diagnosed the applicant's problem, he would have been discharged with an Honorable discharge for Conditions that Interfere With Military Service. Specifically, Impulse Control Disorder. Since the applicant was discharged under the provisions of Air Force Regulation (AFR) 39-10, dated April 1, 1988, the appropriate paragraph would have been 5-11i(4) which is Disorders of Impulse Control. The current Air Force Instruction (AFI) concerning discharges, AFI 36-3208, paragraph, 5-11, Conditions That Interfere With Military Service, is further broken down and Impulse Control Disorder is listed under paragraph 5.11.9.4, which is under the main paragraph 5.11.9, Mental Disorders. Although the Reason for discharge should be Impulse Control Disorder, the governing DoD Instruction neither did then at the time of discharge, nor currently does, include a Separation Program Designator (SPD) code for Impulse Control Disorder. If the DRB was to dictate that the applicant's Reason for discharge be changed to Impulse Control Disorder, which has no corresponding Separation Program Designator since it comes under the broad category of Mental Disorders, then his Reason would be changed to Personality Disorder. The DRB opined that this clearly is not the case and in the absence of a corresponding SPD code for Impulse Control Disorder, the DRB found that the applicant's Reason for discharge should be changed to Secretarial Authority.

**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 Reason for discharge is more accurately reflected as Secretarial Authority. The applicant's Reason for discharge should be changed to Secretarial Authority, SPD Code JFF, under the provisions of Title 10, USC 1553.

Attachment:  
Examiner's Brief

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

(Former A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 13 Jun 89 UP AFR 39-10, para 5-47b (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 28 Jan 67. Enlmt Age: 18 9/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-37, E-44, G-59, M-76. PAFSC: 43153D - Aircraft Maintenance Specialist. DAS: 3 Apr 86.

b. Prior Sv: (1) AFRes 31 Oct 85 - 12 Dec 85 (1 Mo 12 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 13 Dec 85 for 6 yrs. Svd: 3 Yrs 6 Mos 1 Das, all AMS.

b. Grade Status: A1C - 5 Apr 89 (Article 15, 5 Apr 89)  
SRA - 30 May 88  
A1C - 30 Jan 86

c. Time Lost: None.

d. Art 15's: (1) 5 Apr 86, Dover AFB, DE - Article 86. In that, you, did, on or about 28 Mar 89, without authority, fail to go at the time prescribed, to your appointed place of duty. Reduction to the grade of A1C, and 14 days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 21 MAR 89 - Undesirable attitude.  
MFR, UNDATED - Late to work.  
RIC, 14 MAR 89 - Dereliction to duty and poor attitude.  
RIC, 10 MAR 89 - Late to work.  
RIC, 27 NOV 88 - Late to work.  
LOR, 14 OCT 88 - Violation of appearance standards.  
RIC, 13 OCT 88 - Late for work and not in uniform.  
LOR, 14 AUG 88 - Damage to ceiling tile in dormitory.  
LOR, 7 JUL 88 - Arrested for DUI.  
TRAFFIC TICKET, 26 SEP 87 - Speeding.  
TRAFFIC TICKET, 8 DEC 86 - Speeding.  
TRAFFIC TICKET, 27 JUL 86 - Failure to stop at stop sign.

f. CM: None.

g. Record of SV: 13 Dec 85 - 12 Dec 86 Dover AFB 9 (Annual)  
13 Dec 86 - 12 Dec 87 Dover AFB 9 (Annual)

13 Dec 87 - 25 Oct 88 Dover AFB 8 (CRO)

(Discharged from Dover AFB)

h. Awards & Decs: AFTR, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (13) Das  
TAMS: (3) Yrs (6) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3Sep 02.  
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

**ATCH**

1. VA Letter.
2. Medical Documentation.
3. DD Form 214
4. VA Eligibility for Education Benefits.

6 Dec 02/cr



## DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 436TH AIR BASE GROUP (MAC)  
DOVER AIR FORCE BASE, DELAWARE 19902



REPLY TO  
ATTN OF

JA

5 June 1989

SUBJECT:

Legal Review of AFR 39-10 Discharge, [REDACTED]  
168-58-1271, 436 OMS

TO:

CC

1. BASIS FOR ACTION: This discharge action was initiated against ALC [REDACTED] under AFR 39-10, para 5-47b, for Misconduct, specifically, Conduct Prejudicial to Good Order and Discipline. I have reviewed the package and find it legally sufficient to support the respondent's discharge.

2. BACKGROUND INFORMATION: ALC [REDACTED] enlisted in the Air Force on 13 December 1985 and has been assigned to Dover Air Force Base since 3 April 1986. The respondent has received three APRs which have been rated as 9, 9, and 8. He is entitled to wear the Air Force Training Ribbon and the Air Force Good Conduct Medal. ALC [REDACTED] was notified of his commander's recommendation for discharge on 28 April 1989. He did consult legal counsel and did submit a written statement for your consideration.

3. EVIDENCE: The basis for the commander's recommendation for discharge is ALC [REDACTED] extensive misconduct. On 7 August 1986, the respondent received a Letter of Reprimand for damaging a ceiling tile in Building 408. On 3 July 1988, he was arrested by the Delaware State Police for driving under the influence. For this action he received a Letter of Reprimand and UIF action on 7 July 1988. On 13 October 1988, he received a Record of Counseling for continually showing up to work late. Also on 13 October 1988, ALC [REDACTED] received a Letter of Reprimand for attending a Social Actions' class in desperate need of a haircut, the second time in three months he had to be directed to get his haircut. On 27 November 1988, the respondent received another Record of Counseling for being over an hour late for work. On 10 March 1989, he was again counseled by his supervisor for being 22 minutes late for duty. On 14 March 1989, he received a Record of Counseling for failing to follow orders and having a complacent attitude. On 17 March 1989, he received yet another counseling for being late to work. On 21 March 1989, ALC [REDACTED] was given a Record of Counseling for exhibiting a poor attitude. Specifically, he stated that he "was fed up with the shop and its bullshit." On 21 March 1988, the respondent failed to follow orders by not completing paperwork required to recover certain tools. Finally, on 28 March 1989, ALC [REDACTED] failed to go to his appointed place of duty. For

this he received an Article 15 with punishment being 14 days extra duty and a reduction to Airman First Class. The respondent has been entered into the local Social Actions' alcohol rehabilitation program. The respondent feels that he should be discharged but that he should be given an honorable discharge. He states that all of his problems were alcohol related but that he has overcome this drinking disease. The respondent feels he gave the Air Force the best service he could given his condition. He asks that he be given an honorable discharge because he is afraid that a general discharge will adversely impact his ability to use his G.I. bill.

4. DISCUSSION: As the Separation Authority, you can recommend approval of an honorable discharge with or without probation and rehabilitation and forward the case to 21 AF/CC for final action, or you can approve a general discharge with or without probation and rehabilitation. You also can disapprove this action and retain AIC [REDACTED]. The respondent's commander recommends he be discharged with a general discharge without probation and rehabilitation. I concur with this recommendation. The case file clearly supports the basis for discharge and characterization of his service as general. Further, in light of the repeated and serious nature of the respondent's misconduct, I do not believe an offer of probation and rehabilitation would be in the best interests of the Air Force.

5. RECOMMENDATION: I recommend that you direct [REDACTED] be discharged from the Air Force with a general discharge without probation and rehabilitation. If you concur, please sign the attached letter and forward the case file to DPMQS for final action.

[REDACTED]

1 Atch  
Case File



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 436TH MILITARY AIRLIFT WING (MAC)  
DOVER AIR FORCE BASE, DELAWARE 19902

28 Apr 89

FROM: 436 OMS/SEC AA/CC

SUBJECT: Letter of Notification

TO: A1C [REDACTED]  
436th Orgnl Maint Sq

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, specifically, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFR 39-10, para 5-47b. 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 28 Mar 89, you failed to go to your appointed place of duty; to wit; Building 312, Social Actions. For this action, you received an Article 15 on 5 Apr 89. Punishment consisted of reduction to the grade of Airman First Class, with a new date of rank of 5 April 1989 and 14 days extra duty. (Atch 1)

b. On 21 Mar 89, you failed to follow orders, to wit: not properly completing paperwork required in the recovery of tools. This action was evidenced by a memo for record dated 23 Mar 89. (Atch 2)

c. On 21 Mar 89, you exhibited conduct disruptive to good order and morale. For this action you received counseling by your supervisor as evidenced by a record of counseling dated 21 Mar 89. (Atch 3)

d. On 17 Mar 89, you were 12 minutes late to work. For this action you received counseling by your supervisor as evidenced by a memo for record dated 17 Mar 89. (Atch 4)

e. On 14 Mar 89, you failed to follow orders and exhibited conduct disruptive to good order and morale, to wit: did not complete a tool report and exhibited a complacent attitude. For this action you were counseled by your supervisor as evidenced by a record of counseling dated 14 Mar 89. (Atch 5)

f. On 10 Mar 89, you were 22 minutes late for duty. For this action, you were counseled by your supervisor as evidenced by a record of counseling dated 10 Mar 89. (Atch 6)

- g. On 27 Nov 88, you were one hour late for work. For this action you were counselled by your supervisor as evidenced by a record of counseling dated 27 Nov 88. (Atch 7)
- h. On 13 Oct 88, you were late to duty. For this action, you were counselled by your supervisor as evidenced by a record of counseling dated 13 Oct 88. (Atch 8)
- i. On 13 Oct 88, you were observed with an improper haircut. For this action, you received a letter of reprimand with UIF entry dated 14 Oct 88. (Atch 9)
- j. On 3 Jul 88, you were arrested by the Delaware State Police for driving under the influence. For this action you received a letter of reprimand with UIF entry dated 7 Jul 88. (Atch 10)
- k. On 7 Aug 86, you damaged ceiling tile in Building 408 in violation of Article 108, of the Uniform Code of Military Justice. For this action, you received a letter of reprimand dated 14 Aug 86. (Atch 11)

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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 to reenlist 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] Bldg 447, Rm 214, Dover AFB, DE on 0830 1 MAY 89. 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 0830/3 MAY 89 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 evaluation. You must report to Dover Air Force Base Hospital at 0730 hours on 20 April 1989 for the examination.



7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Atch 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.,



11 Atchs

1. Article 15, 5 Apr 89
2. MOR, 23 Mar 89
3. Record of Counseling, 21 Mar 89
4. Memo for Record, 17 Mar 89
5. Record of Counseling, 14 Mar 89
6. Record of Counseling, 10 Mar 89
7. Record of Counseling, 27 Nov 88
8. LOR/UIF, 14 Oct 88
9. Record of Counseling, 13 Oct 88
10. LOR/UIF, 7 Jul 88 11. LOR, 14 Aug 86
11. LOR, 14 Aug 86