

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
--	---------------------	--------------------------------

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
------	----------------------------	------------------------

COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
YES	NO					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					

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

ISSUES A94.05	INDEX NUMBER A70.00	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		1	ORDER APPOINTING THE BOARD	2	APPLICATION FOR REVIEW OF DISCHARGE	3	LETTER OF NOTIFICATION	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
EXHIBITS SUBMITTED TO THE BOARD																		
1	ORDER APPOINTING THE BOARD																	
2	APPLICATION FOR REVIEW OF DISCHARGE																	
3	LETTER OF NOTIFICATION																	
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																	
HEARING DATE 30APR 03	CASE NUMBER FD2002-0533																	

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, 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: 30APR 03
-------------	-----------------------

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
--	---

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD02-0533

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

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

FINDINGS: Upgrade of discharge to Honorable is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

ISSUE: The applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant was punished by a Special Court Martial for stealing a master key to a building, entering a room of another airman and stealing a PlayStation 2. He received an Under Other Than Honorable Conditions Discharge for these actions. The applicant states that he suffered the loss of both his grandparents and his wife was involved in a serious motor vehicle accident in Washington, D.C. (member was at Mountain Home AFB, Idaho). He also states that his superior and co-workers continually harassed him because his father was a retired military officer, and his friends alienated him. Finally, he states that he was diagnosed with having Schizophrenia. He believes that his medical condition caused his problems. The records indicate the applicant was diagnosed with Schizotypal Personality Disorder. The Diagnostic and Statistical Manual of Mental Disorders (DSM IV) defines Schizotypal Personality Disorder as characterized by a pervasive pattern of social and interpersonal deficits marked by acute discomfort with and reduced capacity for close relationships as well as by cognitive or perceptual distortions and eccentricities of behavior. However, this did not prevent the applicant from knowing right from wrong when he deliberately took the key, entered the room, and stole the PlayStation 2. The Board concluded the misconduct was a significant departure from conduct expected of all military members.

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.

Attachment:
Examiner's Brief

Schizotypal Personality Disorder

The Diagnostic and Statistical Manual of Mental Disorders (DSM IV) defines Schizotypal Personality Disorder is characterized by a pervasive pattern of social and interpersonal deficits marked by acute discomfort with and reduced capacity for close relationships as well as by cognitive or perceptual distortions and eccentricities of behavior, beginning by early adulthood and present in a variety of contexts as indicated by: odd beliefs or magical thinking that influences behavior and is inconsistent with sub-cultural norms, unusual perceptual experiences, odd thinking and speech, suspiciousness or paranoid ideation, inappropriate constricted affect, lack of close friends, excessive social anxiety that does not diminish with familiarity and tend to be associated with paranoid fears, and ideas of reference (incorrect interpretation of casual incidents and external events as having a particular and unusual meaning specifically for the person). Individuals often seek treatment for associated symptoms of anxiety, depression or other dysphoric affects. Particularly in response to stress, individuals with this disorder may experience transient psychotic episodes, typically not longer than hours. A small number of individuals with this disorder go on to develop Schizophrenia or another Psychotic Disorder.

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

MISSING DOCUMENTS

(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF 9 Aug 01 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Trial by Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Sep 80. Enlmt Age: 19 7/12. Disch Age: 20 10/12. Educ: HS DIPL. AFQT: N/A. A-79, E-81, G-57, M-67. PAFSC: 2T337 - Vehicle Maintenance Control and Analysis Apprentice. DAS: 27 Nov 00.

b. Prior Sv: (1) AFRes 21 Apr 00 - 16 May 00 (26 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 17 May 00 for 4 yrs. Svd: 1 Yr 2 Mos 24 Das, all AMS.

b. Grade Status: AMN - 17 Nov 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: Examiner's Note: 366 TRNS/CC Memo, dated 27 Jul 01, states applicant had three letters of counseling.

f. CM: None.

g. Record of SV: None.

(Discharged from Mountain Home AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yr (3) Mos (20) Das
TAMS: (1) Yr (2) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Nov 02.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF

FD2002-00533

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. VA Educational Claim.
4. Discharge Documents.
5. Medical Report.
6. Leave and Earning Statements.

4Mar03/cr

DD FORM 293 (Continuation) for [REDACTED]

8. ISSUES

I respectfully request my discharge from the U.S. Air Force (USAF) be upgraded to either Honorable or General Discharge under Honorable conditions for the following reasons. Prior to entering the USAF I suffered the loss of my grandmother on my mother's side of the family (Dec 1999), I was very close to her. During my tenure in the U.S. Air Force (May 2000 - Aug 2001) I encountered numerous other personal problems, I suffered the loss of my grandmother on my father's side (Feb 2001) and while stationed at Mountain Home A.F.B., Idaho, my spouse (attending a university there) was involved in a serious motor vehicle accident in Washington, D.C. (Mar 2001), an accident that required multiple surgeries on her legs. I attempted to get a compassionate reassignment to the Washington, D.C. area, but all efforts failed. Naturally, my attitude and desire to be in the U.S. Air Force became negative. I became forgetful of appointments and duties, as I was distracted by concerns for my wife who was undergoing serious medical procedures in Washington, D.C.. On June 19, 2001, I was charged with stealing a Playstation 2 (value less than \$100.00) from another person's quarters (see Supporting Document: c. Document 3 and d. Document 4), a charge I felt was untrue and unjustified. (I already owned a Playstation 2) Since I felt I was innocent of the charges, when an Article 15 was offered, I refused it and requested a trial by court-martial and later requested a discharge in lieu of trial by court-martial, because I saw it as a possible opportunity to get discharged from the Air Force and be with my wife. Prior to and during the course of the legal proceedings, I was continually harassed by my superiors and co-workers, because my father was a retired military officer, and alienated by my friends. Because of the harassment and pressures from my chain of command, on June 22, 2001, I was admitted to the Boise, Idaho, Intermountain Hospital, Intensive Care - Psychiatric Ward, after I attempted to take my own life (see Supporting Documents: e. Document 5 and f. Document 6). I was released June 26, 2001. I was given a psychiatric evaluation by a USAF Psychiatrist and was diagnosed with having Schizophrenia and this condition has been confirmed by another civilian physician since my discharge. The USAF Psychiatrist should have presented this information to the USAF Discharge Hearing at Mountain Home AFB and explained that my irrational behavior was not intentional, but a medical condition. I am

DD FORM 293 (Continuation) for

8. ISSUES

really sorry for the stupid things I did and the poor decisions that I made while on active duty, but because of my medical condition in my mind I thought I was doing the right thing, because the accusations were false and the item had a value of less than \$100.00, I had no idea that the U.S. Air Force would go to such extremes to punish an individual for such a minor offense. Although, I had legal counsel and was advised on the legal aspects of my actions, legal counsel failed to coordinate with the medical professionals before granting an expedient discharge for the convenience of the local command. At no time, were my medical problems and mental instability taken into consideration before being given a less than honorable discharge (see Supporting Document: a. Document 1).

I am sure that if I had not been stricken with Schizophrenia, confronted with the loss of two grandmothers in such a short period of time and my wife's accident and multiple surgeries, I would still be in the U.S. Air Force and serving honorably to this day. Unfortunately, we do not have control of what life throws at us. When advised by legal counsel that I could take a discharge in lieu of court-martial, I jumped at the chance, because my wife was in a wheelchair and needed me.

Additionally, I contributed \$1,200.00 to the Montgomery G.I. Bill for education benefits and because of the type of discharge given to me, I am not entitled to the education benefits or reimbursement of the \$1,200.00. (see Supporting Documents: b. Document 2, g. Document 7 and h. Document 8) All of this punishment for an item valued at less than \$100.00?

Again, I respectfully request my discharge from the U.S. Air Force (USAF) be upgraded to either Honorable or General Discharge under Honorable conditions. Thank you for your consideration in this matter.

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) [REDACTED]		2. SSN [REDACTED]	3. GRADE OR RANK Airman	4. PAY GRADE E-2
5. UNIT OR ORGANIZATION 366th Transportation Squadron (ACC) Mountain Home AFB, Idaho		6. CURRENT SERVICE a. INITIAL DATE 17-May-2000		b. TERM 4 years
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED None		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
\$1,169.10	\$0.00	\$1,169.10		

II. CHARGES AND SPECIFICATIONS

10. CHARGE I Violation of the UCMJ, Article 107

Specification: In that [REDACTED], United States Air Force, 366th Transportation Squadron, did, at or near Mountain Home Air Force Base, Idaho, on or about 30 April 2001, with the intent to deceive, sign an official statement, to wit: AF Form 1168 stating "I entered dorm 2425 and went to the second floor to shoot pool and let my mind clear. The lights were already on in the day room and upon entering noticed an object resting upon the edge of the fooseball table. The object was a Playstation 2, and I picked it up and examined it. It had no video cord and no stickers. I took the device to my room and thought what had I done." or words to that effect, which statement was false in that the said [REDACTED] stole the Playstation 2 from [REDACTED] and was then known by the said [REDACTED] to be so false.

CHARGE II Violation of the UCMJ, Article 121

Specification 1: In that [REDACTED] United States Air Force, 366th Transportation Squadron, did, at or near Mountain Home Air Force Base, Idaho, on or about 2 March 2001, steal a master key for building 2425, military property, of a value of less than \$100.00, the property of the United States Government.

Specification 2: In that [REDACTED] United States Air Force, 366th Transportation Squadron, did, at or near Mountain Home Air Force Base, Idaho, on or about 21 April 2001, steal a Playstation 2, of a value of more than \$100.00, the property of [REDACTED].

CHARGE III Violation of the UCMJ, Article 134

Specification: In that [REDACTED] United States Air Force, 366th Transportation Squadron, did, at or near Mountain Home Air Force Base, Idaho, on or about 21 April 2001, unlawfully enter the dormitory room of [REDACTED].

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE Maj	c. ORGANIZATION OF ACCUSER 366th Transportation Squadron
d. SIGNATURE OF ACCUSER [REDACTED]		e. DATE 19-Jun-2001

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser this 19 day of June, 2001, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer
 Captain
Grade

Signature

 366 WG/JA
Organization of Officer
 Staff Judge Advocate
Official Capacity to Administer Oath
 (See R.C.M. 307(b)(1) - must be commissioned officer)

12. On 19 June, 20 01, the accused was informed of the charges against him/her and of the names(s) of the accuser(s) known to me (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted]
Type Name of Immediate Commander
Major
Grade
[Redacted]
Signature

366th Transportation Squadron
Organization of Immediate Commander

IV. RECEIPT BY SUMMARY COURT MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 0916 hours, 19 June, 20 01, at Headquarters 366th Wing
Designation of Command or

Mountain Home Air Force Base, Idaho
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹ COMMANDER
Staff Judge Advocate
Official Capacity of Officer Signing

[Redacted]
Type Name of Officer
Lieutenant Colonel
Grade
[Redacted]
Signature

V. REFERRAL, SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY <u>HEADQUARTERS 366th Wing (ACC)</u>	b. PLACE <u>Mountain Home AFB, ID</u>	c. DATE <u>19 June 2001</u>
--	--	--------------------------------

Referred for trial to the Special court-martial board convened by Special Order AB-9, this headquarters

dated 19 June 20 01, subject to the following instructions: ² None

FOR THE COMMANDER
Command or Order

Staff Judge Advocate
Official Capacity of Office Signing

Lieutenant Colonel
Grade

[Redacted]
Signature

15. On 19 June, 20 01, I (caused to be) served a copy hereof on [Redacted] the above named accused.

Captain
Grade or Rank of Trial Counsel

[Redacted]
Typed Name of Trial Counsel

[Redacted]
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.
2 - See R.C.M. 601(e) concerning instructions. If none, so state.