

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

ISSUES A92.21	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD
		1 ORDER APPOINTING THE BOARD
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
HEARING DATE 15 MAY 03	CASE NUMBER FD2003-00077	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.

*** Change the narrative reason for separation to Personality Disorder, SPD Code JFX.**

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]	SIGNATURE OF BOARD PRESIDENT [Signature]
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INDORSEMENT	DATE: 15 MAY 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

FD2002-00077

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: The discharge is upgraded to Honorable. The Reason for discharge is changed to Personality Disorder.

The Board finds that the evidence of record substantiates an impropriety that justifies upgrade of the discharge. Specifically, the Board found the reason for discharge should be Personality Disorder and that his service should be characterized as Honorable.

Issue. After a thorough and complete consideration of the information submitted by the applicant and contained in the records, the Board concluded the evidence best supports an honorable separation for a Personality Disorder. Specifically, the Board found the characterization was not appropriate based on his diagnosis with an Axis II Personality Disorder and Axis I Major Depressive Disorder. The Board opined that the most serious offense, unauthorized entry into another airman's room, resulted from the Personality Disorder. While the Board did not condone the applicant's misconduct, they did feel it was more appropriate to base his reason for discharge on his diagnosed Personality Disorder and characterize his service as Honorable.

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 quality of applicant's service is more accurately reflected by an Honorable discharge and change of reason for discharge to Personality Disorder, SPD Code, JFX, 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

[REDACTED]
[REDACTED]
(Former AMN) (HGh A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 11 Mar 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 May 80. Enlmt Age: 19 2/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-56, E-66, G-55, M-36. PAFSC: 4A131 - Medical Material Apprentice. DAS: 2 Jul 00.

b. Prior Sv: (1) AFRes 19 Aug 99 - 29 Feb 00 (6 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 01 Mar 00 for 4 yrs. Svd: 2 Yrs 0 Mo 11 Das, all AMS.

b. Grade Status: AMN - 05 Feb 02 (Vacation of Article 15, 27 Feb 02)
A1C - 01 Jul 01
AMN - 01 Sep 00

c. Time Lost: None.

d. Art 15's: (1) 27 Feb 02, Vacation, Luke AFB, AZ - Article 134. You, did, on or about 21 Feb 02, unlawfully enter the dormitory room of A1C -----. Reduction to Amn. (No appeal) (No mitigation)

(2) 05 Feb 02, Luke AFB, AZ - Article 86. You, did, on or about 9 Jan 02, without authority, go from your appointed place of duty. Article 107. You, did, on or about 15 Jan 02, with intent to deceive, make to SSgt ----, an official statement, to wit: that you were not the last person to drive the vehicle, or words to that effect, which statement was totally false, and was then known by you to be so false. Article 108. You, did, on or about 12 Jan 02, without proper authority, through neglect, damage by hitting a baracade, military property of the United States, the amount of the said damage being in the sum of over \$100.00. Suspended reduction to Amn, forfeiture of \$250.00 pay per month for 2 months, and 20 days extra duty. (No appeal) (No mitigation)

e. Additional: (Examiner's Note): The following incidents were extracted

from the Legal Review of Administrative Discharge.
Individual documents are missing from the file.
LOC, 07 FEB 02 - Failure to go.
LOR, 07 FEB 02 - Failure to return to assigned place of
duty upon completion of assigned task.
LOA, 28 DEC 01 - Unauthorized use of a government computer.

f. CM: None.

g. Record of SV: 01 Mar 00 - 31 Oct 01 Luke AFB 3 (Initial)

(Discharged from Luke AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (21) Das
TAMS: (2) Yrs (0) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Feb 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BREIF.

ATCH

1. Applicant's Issues.
2. Copy of Discharge Documents.

2APR03/ia

Board of Correction of Air Force Records
SAF/MIB

[REDACTED]
Randolph AFB, TX 78150-4742

November 11, 2002

Dear Sir or Maam:

I am writing to you to request a review of my general discharge from the United States Air Force, which occurred on March 11, 2002. I believe there is sufficient information to support such a review, as well as a reclassification of the discharge itself.

The things I did to get this discharge, I am not proud of. Hopefully if I get this upgrade I would like to still be able to get my G.I. bill benefits and start going to school or just be able to get a better job. You see, for the last 6 months that I have been waiting to get my discharge upgraded, I have been working at a Shell gas station. I do like my job and my employers' but I would like to move to better and better things. As my employer said in another letter, I am not a bad kid and always strive to be a better employee; this is not what I want to do with my life. This is why I'm hoping you will kind to me.

These are my most serious infractions:

- 1) I was with a co-worker of mine when he opened up an email of past Miss America winners head shots. My Captain walked in and said that it wasn't appropriate on government computers. We closed the e-mail and I thought that was it but I still got a Letter of Admonishment on 28 Dec 01 for looking at it and because I was higher ranking I should have told him that we shouldn't be looking at this.
- 2) My first Article 15, they decided to combine to infractions into one Article 15. The first one went like this: there was going to be a going away party for two sergeants that were going to another base. My co-worker and I didn't have the money to go with everyone to the going away party so we decided to just go to the dining facility. As we got in the car, my co-worker said that since the going away party was going to be two hours that he could take a two hour lunch. I had just assumed that my sergeant had told him that and I agreed. My second offense was that I scratched a government owned vehicle and got scared and tried to cover the damage then lied to my supervisor that I wasn't the last one to drive the truck and do that damage. I got an Article 15 on 5 Feb 02 for lying to my supervisor, damaging the truck and not reporting the damage.
- 3) After we had made are after noon deliveries, my co-worker and I was suppose to go back to the ware house where more work can be done but my co-worker

wanted to go to the library and talk to someone. After awhile I started saying to him that we should be going but he would say to hold on. My supervisor came in and saw us wasting time just sitting there. I got a Letter of a Counseling on 7 Feb. 02.

- 4) On 7 Feb. 02, I over slept and didn't get to work on time. For this I got a Letter of Counseling the same day.
- 5) On 21 Feb. 02, I entered another Airman's room and it was brought to the attention of the security force.

I have enclosed the Department of Defense form DD-293 for this purpose. If you require any addition information, or if you have any questions regarding this matter, please contact me at the address on the form or at [REDACTED]

Thank you for your consideration.

Sincerely,

[REDACTED]



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

FD2003-00077

8 MAR 2002

MEMORANDUM FOR 56 FW/CC

FROM: 56 FW/JA

SUBJECT: Legal Review of Administrative Discharge -- Amn-
[REDACTED]

1. ACTION: This case is before you for review and action in your capacity as the separation authority. The 56 MDSS/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, paragraph 5.49, Minor Disciplinary Infractions. I concur.

2. BACKGROUND: The Respondent is 21 years old and has been on active duty in the United States Air Force for approximately 2 years, and is currently serving an initial 4 year enlistment. His AQE scores are: Admin - 56; Elect - 66; Gen - 55; and Mech - 36. The Respondent's awards and decorations include the Air Force Training Ribbon.

3. FACTS: On 5 Mar 02, 56 MDSS/CC initiated administrative discharge proceedings against the Respondent. The following actions from the Respondent's current enlistment establish a basis for discharge under paragraph 5.49, Minor Disciplinary Infractions:

a. On 19 Dec 01, the Respondent used a government computer in an unauthorized manner and received a Letter of Admonishment on 28 Dec 01.

b. On 9 Jan 02, the Respondent went from his appointed place of duty without authority. On 12 Jan 02, he damaged military property due to neglect. On 15 Jan 02, he made a false official statement to a non-commissioned officer. For these infractions he received an Article 15 on 5 Feb 02. His punishment included suspended reduction to the grade of E-2, forfeiture of \$250 pay per month for 2 months, and 20 days extra duty. An Unfavorable Information File (UIF) was established.

c. On 5 Feb 02, the Respondent failed to return to his appointed place of duty upon completion of an assigned task and received a Letter of Counseling on 7 Feb 02.

d. On 7 Feb 02, the Respondent failed to go to his appointed place of duty at the prescribed time and received a Letter of Counseling on 7 Feb 02.

e. On 21 Feb 02, the Respondent unlawfully entered the dormitory room of another airman and received a Vacation of Suspended Nonjudicial Punishment on 27 Feb 02 that resulted in his reduction to the grade of E-2.

--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. **RESPONDENT'S MATTERS:** The Respondent has met with his military defense counsel and has waived his right to submit matters for your consideration in this discharge action.

5. **CHARACTERIZATION OF DISCHARGE:** The 56 MDSS/CC recommends a general service characterization for the Respondent's 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 enlistment, the Respondent has received two Letters of Counseling, a Letter of Admonishment, an Article 15, and a Vacation of Suspended Nonjudicial Punishment. The negative aspects outweigh the positive aspects of his service record and a general discharge is appropriate.

6. **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 not responded to past rehabilitative efforts and it is unlikely further probation and rehabilitation would be productive.

7. **LEGAL SUFFICIENCY:** There is a sufficient factual basis to support this discharge. This file has been prepared in substantial compliance with the provisions of AFI 36-3208. 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.

8. **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; or

c. Forward the case to 19 AF/CC recommending the Respondent receive an honorable discharge, with or without probation and rehabilitation; or

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

9. **RECOMMENDATION:** Based on the foregoing, I recommend you separate the Respondent from the United States Air Force for Minor Disciplinary Infractions under AFI 36-3208, paragraph 5.49, with a general service characterization without probation and rehabilitation.

 USAF
Staff Judge Advocate