

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	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	[REDACTED]	
		[REDACTED]	

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]	X*				
[REDACTED]	X*				
[REDACTED]	X*				
[REDACTED]	X*				
[REDACTED]	X*				

ISSUES A86.00	INDEX NUMBER A67.10	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 DATE 03 Dec 2003	CASE NUMBER FD-2003-00080	
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APPLICANT'S ISSUE AND THE BOARD'S DECISION ALTERNATIVE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISION/REACTION AFB

Case heard at Randolph AFB, Texas

Advise applicant of the decision of the Board.

*Secretarial Authority

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT DATE: 12/4/2003

TO: SAF/MRBR 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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00080

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

The applicant appeared before the Discharge Review Board (DRB) at Randolph AFB, Texas, on 3 December 2003. She was represented by counsel, Mr. Mike Stahl of the Texas Veterans Commission.

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

FINDINGS: The Board grants the requested relief.

The Board finds that the evidence of record and that provided by the applicant substantiates an inequity that justifies a change of discharge characterization.

ISSUE:

Applicant contends her discharge was inequitable because it should have been based on an adjustment disorder rather than misconduct. The records indicated the applicant received an Article 15, three Letters of Counseling, and one Letter of Reprimand for misconduct. The records also indicated that at the time of the misconduct, the applicant was experiencing depression, was under the care of a military clinical psychologist and was taking prescribed medication for her depression. Her condition did not, however, mandate a medical evaluation board. Two clinical psychologists recommended her administrative discharge from active duty following two suicide attempts. Despite these recommendations, the applicant was retained on active duty during which time the misconduct accounting for the Article 15 occurred. The DRB opined that the applicant should have been separated earlier in her enlistment and that her service should have been characterized as honorable. Although the DRB did not excuse the other minor disciplinary infractions committed by the applicant, it did not believe that these infractions amounted to a level to justify a less than honorable discharge.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was inequitable.

In view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority. The applicant's characterization and reason for discharge should be changed to honorable and Secretarial Authority 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 AMN) (HGH A1C)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 Apr 02 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 31 Mar 79. Enlmt Age: 19 10/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-82, E-29, G-39, M-15. PAFSC: 3S051 - Personnel Journeyman. DAS: 29 Dec 00.

b. Prior Sv: (1) AFRes 22 Feb 99 - 28 Apr 99 (2 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 29 Apr 99 for 4 yrs. Extended 6 Feb 02 for 4 months. Svd: 2 Yrs 11 Mo 11 Das, all AMS.

b. Grade Status: AMN - 27 Mar 02 (Article 15, 27 Mar 02)
A1C - 29 Aug 00
AMN - 29 Oct 99

c. Time Lost: None.

d. Art 15's: (1) 27 Mar 02, Elmendorf AFB, AK - Article 121. You, did, between on or about 1 Jan 01 and between on or about 31 Jan 01, wrongfully appropriate 10 to 12 compact disks and a compact disk case, of a value of more than \$100.00, the property of SSgt ----- . Reduction to Amn, and 10 days extra duty and a reprimand. (No appeal) (No mitigation)

e. Additional: MEMO, 6 MAR 02 - Failure to show for an appointment.
LOC, 19 FEB 02 - Late for work.
LOC, 13 FEB 02 - Violation of a lawful general regulation by wearing an exposed body piercing.
LOR, 26 MAR 01 - Lying to supervisor and section commander.
TRAFFIC TICKET, 2 SEP 00 - Speeding.
LOC, 20 MAR 00 - Speeding.

f. CM: None.

g. Record of SV: 29 Apr 99 - 28 Dec 00 Elmendorf AFB 3 (Initial)
29 Dec 00 - 28 Dec 01 Elmendorf AFB 4 (Annual)

(Discharged from Elmendorf AFB)

FD2003-00080

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (1) Mos (18) Das
TAMS: (2) Yrs (11) Mos (11) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Memo for Record, 20 Sep 01.
3. Discharge Documents.

3APR03/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR 962 AACSS/CSS (Amn [REDACTED])

FROM: 962 AACSS/CC

APR 12 2001

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct based on minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as general.

2. My reasons for this action are:

a. Between on or about 1 Jan 01 and on or about 31 Jan 01, you did, at or near Elmendorf Air Force Base, Alaska, wrongfully appropriate 10 to 12 compact disks and a compact disk case, of a value of more than \$100.00, the property of SSgt [REDACTED]. For this offense, you received an Article 15, dated 27 Mar 02, reduction to the grade of airman, with a new date of rank of 27 Mar 02, 10 days extra duty, a reprimand, and an Unfavorable Information File was established.

b. On 15 Feb 02, you did without authority, fail to go at the time prescribed to your appointed place of duty. For this offense, you received a Letter of Counseling (LOC), dated 19 Feb 02.

c. On 12 Feb 01, you violated a lawful general regulation, to wit: AFI 36-3208, by wearing an exposed body piercing. For this offense, you received an LOC, dated 13 Feb 02.

d. On 20 Mar 01, you did, with intent to deceive, make to 2LT [REDACTED] and TSgt [REDACTED] an official statement, to wit: you were married, which statement was totally false, and was known by you to be so false. For this offense, you received a Letter of Reprimand, dated 26 Mar 01.

e. On 20 Mar 00, you were derelict in the performance of your duties in that you violated WI 31-203, to wit: speeding 31 MPH in a 25 MPH zone. For this offense, you were cited on a DD Form 1408, Armed Forces Traffic Ticket, and received an LOC, dated 20 Mar 00.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you are discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force, and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED], 552-3887, at Bldg 10480,

Rm 330 on 3 APR 02 at 1330hrs. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide to the separation authority.

6. 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.

7. You have been scheduled for medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 0730hrs on 3 APR 02 for your first exam, at which time you will be notified of the time for your second exam. You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.

8. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 1430 hrs on 3 APR 02. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Rm 247 at 0730 on 4 APR 02. You must be in uniform for all appointments.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at your Squadron Orderly Room.



Lt Col, USAF

Commander

Attachments:

- 1. AF Form 3070, 27 Mar 02
- 2. AF Form 1137
- 3. MFR, 6 Mar 02
- 4. LOC, 19 Feb 02
- 5. LOC, 13 Feb 02
- 6. LOR, 26 Mar 01
- 7. DD Form 1408, 2 Sep 00
- 8. LOC, 20 Mar 00
- 9. MFR, 3 MDG/SGOH, 20 Mar 02
- 10. 3 SFS Incident Report, 10 Mar 02
- 11. MFR, 3 MDG/SGOH, 17 Sep 01