

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		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 A93.01, A93.15, A93.22, A94.05	INDEX NUMBER A49.00	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	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 Secretarial Authority.  
 Change in reenlistment code was denied.

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
[REDACTED]	[REDACTED]

INDORSEMENT	DATE: 16 JUL 03
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00233

**GENERAL:** The applicant appeals for upgrade of discharge to Honorable, and change of reenlistment eligibility (RE) code.

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:** The discharge is upgraded to Honorable. The Reason for discharge is changed to Secretarial Authority. Change of reenlistment code is denied.

The Board finds that neither the evidence of record or that provided by applicant substantiates an impropriety that would justify upgrade of the discharge. However, based on the record, the Board finds that the applicant's character of discharge is inequitable.

**Issue.** The applicant indicated that during technical school his classmates harassed and beat him because of his race. The applicant failed to press charges for this incident. The DRB could not find anything in the applicant's records to substantiate his claim of discrimination and harassment. However, the Board did find that the applicant had a mental health evaluation in which it was indicated that the applicant was exhibiting signs of anti-social personality and obsessive-compulsive features. A personality disorder diagnosis was not rendered at this time due to the lack of accumulated mental health history on the applicant.

After a thorough and complete consideration of the information submitted by applicant and contained in the records, the Board concluded there was sufficient mitigation to substantiate upgrade of the discharge. Specifically, the Board found the characterization too harsh. However, they did not condone applicant's misconduct.

**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 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

[REDACTED]  
[REDACTED]  
(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 7 Nov 90 UP AFR 39-10, para 5-26a (Unsatisfactory Performance). Appeals for Honorable Discharge and to Change the Reentry Code.

2. **BACKGROUND:**

a. DOB: 24 Sep 71. Enlmt Age: 17 1/12. Disch Age: 19 1/12. Educ: HS DIPL. AFQT: N/A. A-50, E-72, G-70, M-40. PAFSC: 90230 - Apprentice Medical Service Specialist. DAS: 28 May 90.

b. Prior Sv: (1) AFRes 19 Nov 88 - 10 Sep 89 (10 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Sep 89 for 4 yrs. Svd: 1 Yrs 1 Mo 28 Das, all AMS.

b. Grade Status: AMN - 11 Mar 90

c. Time Lost: None.

d. Art 15's: None.

e. Additional: ROC, 07 SEP 90 - Displaying inappropriate behavior and disrespectful to a superior officer.  
MFR, 06 SEP 90 - Failure to follow proper procedures for patient care.  
MFR, 30 AUG 90 - Placing patients records in the wrong box.  
MFR, 27 AUG 90 - Spending too much time handling personal business.  
MFR, 24 AUG 90 - Displaying inappropriate behavior.  
MFR, 17 AUG 90 - Refusal to participate in training.  
RIC, 17 JUL 90 - Failure to participate in training.  
MFR, 17 JUL 90 - Failure to participate in training.

f. CM: None.

g. Record of SV: None.

(Discharged from Hanscom AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (20) Das  
TAMS: (1) Yrs (1) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Apr 03.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. SGQ Letter, 14 Aug 90.
3. Notification Memorandum, 13 Aug 90.
4. DD Form 214.

17JUN03/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.  
 ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

- a. DOCUMENT 1: Notification Letter, 13 Aug 90
- b. DOCUMENT 2: Letter, 14 Aug 90
- c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

THE VETERANS FLAT FOOT CONDITION EXISTED PRIOR TO SERVICE, BUT HE HAD A LEGALLY-RECOGNIZABLE PRESUMPTION OF FITNESS AT THE TIME OF ENLISTMENT. THE CONDITION WAS AGGRAVATED BY HIS MILITARY SERVICE AND WAS TREATED IN ACCORDANCE WITH APPROPRIATE MEDICAL POLICIES. HOWEVER, THE VETERAN WAS HARRASSED BY CLASSMATES AND INSTRUCTORS ALIKE FOR HIS INABILITY TO PARTICIPATE IN CERTAIN ACTIVITIES.

THE VETERAN WAS THE ONLY AFRICAN-AMERICAN IN HIS CLASS. THE VETERAN WAS BEATEN AND HAD HIS ARM BROKEN BY CLASSMATES. HE DECLINED TO PRESS CRIMINAL CHARGES FOR FEAR OF REPRISAL. RECORDS INDICATE THAT THE VETERAN WAS A MARGINAL PERFORMER PRIOR TO THE BEATING INCIDENT, AND DEVELOPED POOR ATTITUDE FOLLOWING THE INCIDENT. HAD THIS BEEN CORRECTLY MANAGED BY HIS COMMAND, THEY WOULD HAVE RECOGNIZED THE VETERANS NEED FOR CRIME VICTIM COUNSELING. THEY DID NOT.

GIVEN THE RELATIVE YOUTH OF THE VETERAN, THE PAIN OF THIS FOOT AND ANKLE INJURIES, THE PHYSICAL AND PSYCHOLOGICAL TRAUMA OF BEING BEATEN AND HAVING HIS ARM BROKEN BY CLASSMATES, AND THE APPARENT LACK OF APPROPRIATE RESPONSE BY HIS COMMAND, IT IS REASONABLE TO ASSUME THAT THE APPLICANT DID EVERYTHING WITHIN HIS POWER TO FAITHFULLY MEET HIS COMMITMENT. GIVEN THESE ISSUES, I BELIEVE IT IS FULLY APPROPRIATE TO UPGRADE THIS VETERANS DISCHARGE FROM "GENERAL" TO "HONORABLE".

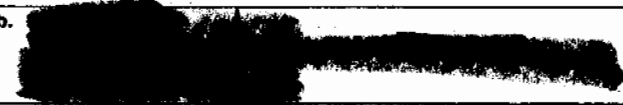
THE VETERAN HAS COMPLETED HIS BACHELOR'S DEGREE. HE HAS STATED THAT HE WISHES TO RETURN TO THE AIR FORCE AS AN OFFICER. TO DO SO, HE WOULD ALSO NEED A CHANGE IN HIS RE-ENLISTMENT CODE.

- I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.
- I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.
- THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

9. CERTIFICATION

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)  
April 25, 2003

b. 

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a> )	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001

DEPARTMENT OF THE AIR FORCE  
AIR FORCE SYSTEMS COMMAND CLINIC HANSCOM  
HANSCOM AIR FORCE BASE, MASSACHUSETTS 01731-5300

REPLY TO  
ATTN OF: SGQ


2 October 1990

SUBJECT: Notification Letter

TO: [REDACTED], Amn, [REDACTED]

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance. The authority for this action is AFR 39-10, paragraph 5-26(a). 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 based on the observations of your supervisors and the attached.
  - a. On 7 September 1990, you displayed inappropriate behavior in the clinic by making remarks about being a transvestite. For this you were counseled by the chief nurse.
  - b. On 6 September 1990, you failed to follow proper procedures for patient care.
  - c. On 30 August 1990, you placed a patient's records on the wrong box. For this, you were counseled.
  - d. On 27 August 1990, you again went to finance for your financial problems. The amount of time you have spent there has caused your coworkers to do extra work in your absence. Because you had spent too much time there, you were counseled.
  - e. On 24 August 1990, you displayed inappropriate behavior by telling your supervisor that you did not want to do your training requirements. For this, you were counseled.
  - f. On 17 August 1990, you refused to participate in the Emergency Medical Technician course. For this, you were counseled.
  - g. On 17 July 1990, you failed to participate in the Emergency Technician course. For this, you were counseled.
  - h. On 13 July 1990, you failed to participate in Emergency Technician course. For this you were counseled.
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 Capt [REDACTED] DSN 852-3350, Pease AFB, NH, 5 October 1990, 1000 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 5 October 1990, 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 on your own behalf, your failure will constitute a waiver of your right to do so.
6. You have been scheduled for a medical examination. A copy of the exam is attached.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the clinic Orderly Room.
8. Execute the attached acknowledgment and return it to me immediately.

  
Capt, USAF  
Medical Squadron Commander

- 9-~~Atch~~ *Appendices*
1. LOC, 7 Sep 90 (a)
  2. MFR, 6 Sep 90 (b)
  3. MFR, 30 Aug 90 (c)
  4. MFR, 27 Aug 90 (d)
  5. MFR, 24 Aug 90 (e)
  6. MFR, 17 Aug 90 (f)
  7. ROC, 17 Jul 90 (g)
  8. MFR, 13 Jul 90 (h)