

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>		GRADE <div style="background-color: black; width: 100%; height: 1.2em;"></div>	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.05		INDEX NUMBER A67.50		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		
HEARING DATE 23 Sep 2003		CASE NUMBER FD-2003-00303		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
				TAPE RECORDING OF PERSONAL APPEARANCE		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>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</p>						
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 1.2em;"></div>			SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.2em;"></div>			
INDORSEMENT			DATE: 09/30/2003			
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			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00303

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

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

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

FINDINGS: Upgrade of Discharge is denied.

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

ISSUE: Applicant contends discharge was inequitable because it was too harsh. And that she wasn't properly diagnosed until September of 2001. The records indicated the applicant received an Under Other Than Honorable Conditions discharge in May of 2001 for a pattern of misconduct – discreditable involvement with military or civilian authorities and a civilian conviction. The applicant was cited for driving while her license was suspended, failed to report to her appointed place of duty, operated a vehicle while intoxicated (twice), and was intoxicated in a public place (twice). After the 2nd conviction for her DWI, she received a year in jail, which was suspended and 180-day home detention. One and a half months later, she was arrested again for violating her probation by being intoxicated. The DRB opined that through these actions, the applicant had ample opportunities to change her negative behavior. The DRB was pleased to see that the applicant was doing well since her discharge and that she is on the road to recovery, however, no inequity or impropriety in her discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized her term of service. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

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.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:

Examiner's Brief

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

(Former TSGT) (HGH TSGT)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAFR 5 May 01. UP AFI 36-3209, Chapter 3, para 3.21.2.1 & 3.21.4 (Pattern of Misconduct - Discreditable Involvement with Mil or Civ Auth & Civilian Conviction). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 18 Apr 62. Enlmt Age: 21 11/12. Disch Age: 39 0/12. Educ: HS DIPL. AFQT: N/A. A-47, E-30, G-44, M-40. PAFSC: 70270 - Information Management Technician. DAS: 20 Mar 84.

b. Prior Sv: AFRes 20 Mar 84 - 10 Dec 98. Svd: 14 yrs 8 months 20 days, of which AMS is 1 yr 10 months 27 days. Amn/A1C - Unknown. SrA/Sgt - Unknown. SSgt - 1 Jul 87.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted USAFR as SSgt 11 Dec 98 for 6 yrs. Svd: 2 Yrs 4 Mo 24 Das, of which AMS is 36 days.

b. Grade Status: TSgt - 1 Mar 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: See Statement of Reasons attached to Notification Memorandum.

f. CM: None.

g. Record of SV: 20 Mar 84 - 19 Mar 98 Grissom ARB 3 (Annual)

(Discharged from Grissom ARB)

h. Awards & Decs: AFAM, AFOUA, ARFMSM, NDSM, AFLSAR, AFRM, AFTR.

i. Stmt of Sv: TMS: (17) Yrs (1) Mos (16) Das
TAMS: (2) Yrs (0) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Jun 03.
(Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Letter of Recommendation.
3. Sheriffs Report.
4. Four Character References.
5. Court Records.
6. Medical Documents.
7. Memorandum For HQ AFRC/DPMF, Member Utilization Questionnaire.
8. Character Reference.
9. Letter of Appreciation.
10. Civilian Performance and Promotion Appraisals.
11. ARPC Form 156.
12. Letter of Appreciation.

22JUL03/ia

To Whom it My Concern:

I, [REDACTED] was born into a military family in 1962 and have been part of the military community my entire life. I am the second of five children, which include four sisters. My childhood was normal, well adjusted and happy. During my high school years I attained "honor-roll" status several times. I have always been forthright and honest. Following graduation I worked at Wendy's, the McClure Oil Company, K-Mart and American Stationary. I decided to join the Air Force Reserve in 1984, which allowed me to serve with my Father for the last 3 1/2 years of his career.

In June of 1987 I married [REDACTED] and had two very bright well-behaved sons, [REDACTED] and [REDACTED]. Both boys have been taught positive family values and have been honor-roll students throughout their school experience. I have always been an involved parent; I played an active part in community events including "Heritage Days," Arts and Crafts Shows, Catholic Church and School activities and a multitude of sports events; little league baseball, football soccer and basketball. We purchased a home, took regular vacations, and involved the children in all aspects of our lives and from all appearances were living the American Dream. [REDACTED] is a good man but character traits began to emerge that caused discord and serious concern in the marriage. He was very jealous and possessive of me and resented the fact that I worked around many men. My required annual deployments were the cause of several arguments over the years. His behavior reflects the attitude of earlier generations in the 1930's and 1940's when the man was the head of the household made the decisions with no room for negotiations, and women were not equal. The marriage began to deteriorate in 1998 and by June I filed for divorce. Jimmy has been hypercritical of me for years and destroyed my self-esteem. I actually began to believe that I couldn't do anything right and very little say so in family decision-making. For a period of time my parents and other family members stopped visiting me because he was always "putting me down" and never had anything positive to say where I was concerned. Shortly after we reconciled I began to experience back pain, serious cramping and muscle spasms in my back and legs. This was the beginning of a downward spiral in my life that no one could have predicted. Several months elapsed with no relief in sight; the pain and my ability to function physically grew much worse. I sought counseling for my marriage and medical help for severe back pain; thus enter anti-depressants, muscle relaxants and painkillers. Vicodin ES and Soma proved to be highly addictive for me even prior to my 22 Sep 99 "failed back surgery." While expecting relief following surgery for a herniated disc I soon discovered that the pain and spasms were much worse. Totally demoralized I began to overmedicate for relief and on occasion began to add alcohol to enhance the effect. I sought help from a prominent neurosurgeon in Fort Wayne, Indiana and was told that I would need a lumbar fusion. Problems in the marriage continued to worsen due to my inability to deal with the severe pain and continually over medicate. This problem spilled over to my job performance. Early in the year 2000 [REDACTED] Neurosurgeon of Fort Wayne performed a second major surgery on me. A lumbar fusion with titanium plates inserted was deemed a success, however, [REDACTED] explained to my husband following the procedure that I had been "butchered" during the first surgery, the psytic nerve bundle had been damaged which may never heal and that I could be in pain for the

rest of my life. The impact of this finding was devastating for the entire family. I soon begin to question why the pain was not subsiding. My family told me about the failed surgery and I was totally inconsolable. I sought help from therapists, Trinity House and Alcoholics Anonymous but to very little avail. There are no long-term structured Drug/Alcohol programs available in this area and very few specialists that have any knowledge of military life and procedures.

The Air Reserve Technician/Civil Service Program is relatively foreign to my father who served 27 years on active duty, 2 ½ in Civil Service and 2 as a congressional staffer. As the senior First Sergeant at Grissom AFB for several Years he prepared, coordinated, processed and helped document scores of discharge cases for review by the Staff Judge Advocate (SJA) for the commander. In each case they were required to show reasonable attempts to correct or rehabilitate the offender or the case was deemed insufficient. Based on the individual's record, rehabilitation was normally offered, especially for careerists, for drug or alcohol offenses/addiction, at a rehab center such as Wright-Patterson AFB. If the member declined treatment they were discharged. Each case would show a graduated level of corrective/disciplinary action to include letters of reprimand, possible UIF entries and or Articles 15 or other UCMJ infractions. Proper documentation was imperative to the approval and characterization of discharge. Unless the Reserves operate on an entirely different standard he finds that these key elements are missing from my case. There is no record of disciplinary action or corrective/rehabilitative measures taken by either the military or civilian side. There are several statements and memos suggesting that I seek help but the mechanics and directions of what to do that are missing. When a person is addicted to medicines or alcohol the first and hardest hurdle to get over is denial. What has happened to me could happen to anyone. Consider the many notable Americans from the world of entertainment, politics, sports, etc., that have fallen prey to the scourge of alcohol and prescribed drugs and have successfully returned to their careers. Active duty provides the infrastructure, necessary for the affected member to get help. Is a reservist less important? He was taught the "Total Force Concept, "Whole Man Concept, and that the Air Force takes care of its own. Does this not apply to the Reservist? Over 90% of my service has been honorable and satisfactory and I had received several superior performance awards on the civilian side. ~~My family and friends can testify first-hand that this type behavior is TOTALLY OUT OF CHARACTER for me.~~ and I ~~have demonstrated patience in this case but the system as a whole has failed me.~~ I was basically left to fend for myself and find my own direction for recovery. A person in my condition requires supervisory and professional guidance toward receiving help. I really don't feel that I realized, until it was too late, that I was working my way toward possible discharge.

My family and friends can testify first-hand that this type behavior is TOTALLY OUT OF CHARACTER for me. Under normal conditions I am an industrious, dedicated, caring person who loved my career and strives hard to please. Until September of 1999 I was as model citizen with no infractions of the law or offenses of any kind. I have paid my debt to society and suffered intense emotional and mental anguish over the events that have taken place since August of 1999. I have never been convicted of a felony. Misdemeanors are serious and reflect me in a negative light to the Air Force, but alone

should not constitute grounds for an Other Than Honorable conditions discharge. Thank You for your patience and consideration.

EPILOGUE: The saddest part of my entire story is that I wasn't properly diagnosed until September of 2001, after I lost my marriage, career, vehicle, and nearly my life. I learned that I was a bi-polar manic depressive and also afflicted with Compulsive, Obsessive Personality Disorder (COPD). The Psychiatrist changed all of my medications, got me involved in pain management and I've been on the road to recovery ever since.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



17 NOV 2000

MEMORANDUM FOR [REDACTED]

FROM: HQ AFRC/DPM
155 Richard Ray Blvd
Robins AFB GA 31098-1635

SUBJECT: Notification of Initiation of Separation Action Under AFI 36-3209

1. By this memorandum, separation action is being initiated against you for misconduct, a pattern of misconduct, discreditable involvement with military or civil authorities and misconduct, civilian conviction. The authority for this separation action is AFI 36-3209, Chapter 3, paragraphs 3.21.2.1 and 3.21.4. Information regarding your entitlement to submit statements about your case, the lawful usage of such statements and their disclosure is provided in the attached Privacy Act Statement (Atch 1). A description of the reasons for this separation action is set forth in the attached Statement of Reasons (Atch 2) along with supporting documents. AFI 36-3209 is available for your review at your servicing Military Personnel Flight. The types of separation authorized are Honorable, General (Under Honorable Conditions) and Under Other Than Honorable Conditions Discharge. The type of separation recommended in your case is an Under Other Than Honorable Conditions Discharge.
2. Within 24 hours after you receive this memorandum, you must complete and return the attached acknowledgment of receipt (Atch 3) of this memorandum and the attachments thereto.
3. The following is a summary of your rights:
 - a. You are entitled to consult with a military legal counsel who is qualified under Article 27(B)(1), Uniform Code of Military Justice (UCMJ), at no cost to you. You may also consult with civilian legal counsel of your choice, but at your own expense. [REDACTED], a Judge Advocate who is qualified under Article 27(B)(1), UCMJ, has been designated to represent you in connection with this separation action. His mailing address is [REDACTED], [REDACTED]. His phone numbers are DSN [REDACTED], toll free 1 [REDACTED], extension 5027, commercial (706) [REDACTED], or fax commercial (706) [REDACTED], fax DSN [REDACTED].
 - b. You have the right to submit pertinent statements and/or documents in your behalf which you desire to be considered in the disposition of your case. If you elect to exercise your right to submit statements, and you return the attached form (Atch 4) within 15 days of receipt, you may submit statements or documents at any time during the administrative discharge process. Your decision on requesting or waiving the board hearing does not affect your right to submit statements or documents during the administrative discharge process. The form must be signed

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either by you or your legal counsel and returned to HQ AFRC/DPM, 155 Richard Ray Blvd, Robins AFB GA 31098-1635.


c. If you need additional time to respond to this separation action, either you or your legal counsel may submit a written request to HQ AFRC/DPM, 155 Richard Ray Blvd, Robins AFB GA 31098-1635, for an extension of time, stating why you need the extra time and how much you'll need. The request must be submitted in sufficient time to reach this office within 15 days after receipt of this memorandum.

4. You are eligible for an administrative discharge board. Within 15 days after you receive this memorandum, you may request to have your case heard by an administrative discharge board at this headquarters by completing and returning the attached form (Atch 5) requesting a board hearing. If you desire a board hearing, you must mail the completed form in sufficient time to reach this headquarters within 15 days after your receipt of this memorandum. Otherwise, your right to have your case heard by an administrative discharge board will be considered waived. Within 15 days after you receive this memorandum, you may waive your right to have your case heard by an administrative discharge board by completing and returning the attached form (Atch 6), evidencing your waiver. Information regarding an administrative discharge board is provided at Attachment 7.

5. You are not eligible to apply for transfer to the Retired Reserve.

6. You should note that failure to respond on the selection of one of these options, or failure to request a delay within 15 days after you receive this memorandum, will constitute waiver of all your rights. This includes the right to have your case heard by an administrative discharge board, and will result in your case being processed on the basis of all the evidence then available.

7. Return envelopes are attached (Atch 8) for your convenience.


Chief, Military Personnel Operations
Military Personnel Division

Attachments:

1. Privacy Act Statement
2. Statement of Reasons w/Supporting Documentation
3. Acknowledgment of Receipt
4. Selection of Rights
5. Request for Board Hearing
6. Waiver of Board Hearing
7. Discharge Board Info
8. Envelopes (2)

cc:

HQ AFRC/JAS

HQ AFRC/DPCE wo Attachments

434 MSS/DPMSA (Relocations) wo Attachments

STATEMENT OF REASONS

USAFR

Misconduct, A Pattern of Misconduct, Discreditable involvement with military or civil authorities, AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, paragraph 3.21.2.1, and Misconduct, Civilian Conviction, AFI 36-3209, paragraph 3.21.4.

On 19 August 1999 you drove from your home to the gate of Grissom Air Reserve Base although your driver's license was suspended, and walked the rest of the way to work, reporting late to your place of duty as an Air Reserve Technician.

On 10 January 2000 you failed to report to your appointed place of military duty because you overslept, which resulted in your supervisor canceling a day of Annual Training that you had been scheduled to perform that day.

On 19 May 2000 you operated a vehicle while intoxicated, an offense to which you entered a plea of guilty on 2 October 2000.

On 16 June 2000 you were intoxicated in a public place in that you were found passed out outside the dormitory room on Grissom ARB which had been assigned to you.

On 1 July 2000 you were intoxicated in a public place in that you were found drunk outside your home in Peru IN.

On 7 September 1999 you were convicted of operating a vehicle while intoxicated, which offense had occurred on 23 July 1999.

ATTACHMENT 2/W SUPPORTING DOCUMENTATION