

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b>  <b>SRA</b>	<b>AFSN/SSAN</b> ████████████████████
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<small>CODE</small>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<small>YES</small>		<small>No</small>	
		<b>X</b>	

<b>MEMBER SITTING</b>	<b>VOICE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
	X*				
	X*				
	X*				
	X*				
	X*				

<b>ISSUES</b> A93.24 A02.04	<b>INDEX NUMBER</b> A67.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE

<b>HEARING DATE</b> 16 Mar 2004	<b>CASE NUMBER</b> FD-2003-00545	
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**ADDITIONAL COMMENTS AND DECISIONAL RATIONALE**

\* Change Reason and Authority for discharge to Personality Disorder.

Case heard at Washington, D.C.

Advise applicant of the decision of the Board.

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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

FD-2003-00545

**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 available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** The Board grants the requested relief.

The Board finds that evidence in the record substantiates an impropriety that would justify a change of discharge. Additionally, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.

Issue. After a thorough and complete consideration of the information submitted by the applicant and contained in the records, the Board concluded there was an impropriety and sufficient mitigation to substantiate an upgrade of, and to change the reason and authority for the discharge. Specifically, the Board found that member had served over 6 years of combined active and inactive time at the time he was notified of his discharge. This entitled him to be notified of the right to have his case heard by an administrative discharge board. His chain of command failed to notify him of that fundamental right thus violating the rules of due process. Additionally, the records showed member had been diagnosed with a personality disorder so severe that his ability to function effectively in the military environment was significantly impaired and was incompatible with military service. Therefore the Board determined the reason and authority for member's discharge would be more accurately described as personality disorder.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was not consistent with the procedural and substantive requirements of the discharge regulation and that the applicant was not provided full administrative due process.

Additionally, the Board further 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 personality disorder. The applicant's characterization and reason for discharge thus should be changed to honorable and personality disorder, respectively, 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]  
 (Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 29 May 03 UP AFI 36-3208, para 5.50.1 (Misconduct - Discreditable Involvement With Military or Civilian Authorities). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Sep 75. Enlmt Age: 21 6/12. Disch Age: 27 8/12. Educ: HS DIPL. AFQT: N/A. A-57, E-44, G-62, M-51. PAFSC: 2S051 - Supply Management Journeyman. DAS: 10 Oct 01.

b. Prior Sv: (1) AFRes 22 Apr 97 -- 8 Jul 97 (2 months 17 days) (Inactive).

(2) Enlisted as AB 9 Jul 97 for 4 yrs. Svd: 3 yrs 11 months 29 days, all AMS. AMN - 9 Jan 98. A1C - 9 Nov 98. SRA - 9 Jul 00. EPRs: 5,3,4.

ART 15: 6 Oct 00, Grand Forks AFB, ND - Article 90. You, having received a lawful command from LtCol [REDACTED] your superior commissioned officer, then known by you to be your superior commissioned officer, to refrain from operating any privately owned vehicle or government owned vehicle on Grand Forks AFB, or any other military installation, to include military family housing areas, or words to that effect, did, at Grand Forks AFB, ND, on or about 16 Sep 00, willfully disobey the same. Suspended reduction to A1C, and 30 days restriction. (No appeal) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 9 Jul 01 for 4 yrs. Svd: 1 Yrs 10 Mo 20 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 25 Feb 03, Holloman AFB, NM - Article 108. You did, between on or about 25 Nov 02 and on or about 12 Dec 02, without proper authority, willfully damage by allowing your dependents to mark the walls with crayons, break several window blinds, and place holes in two doors of your assigned government quarters, military property of the United States. Article 134. You did, between on or about 25 Nov 02 and on or about 12 Dec 02, neglect your dependent children by allowing them to be locked in their rooms and by failing to maintain a sanitary home.

Suspended reduction to A1C, 30 days correctional custody, and a reprimand. (Appeal/Denied) (No mitigation)

- e. Additional: LOR, 08 NOV 02 - Late for duty, missed appointment and lying.  
 RIC, 23 OCT 02 - Financial irresponsibility.  
 RIC, 23 SEP 02 - Violation of Dress and Appearance standards.
- f. CM: None.
- g. Record of SV: 09 Mar 01 - 25 Sep 01 Grand Forks AFB 5 (CRO)  
 26 Sep 01 - 25 Sep 02 Holloman AFB 5 (Annual)  
 26 Sep 02 - 21 Apr 03 Holloman AFB 2 (Dir by CMDR) REF
- (Discharged from Holloman AFB)
- h. Awards & Decs: AFTR, AFLSAR, AFEM, NDSM, AFGCM, AFOUA.
- i. Stmt of Sv: TMS: (6) Yrs (1) Mos (8) Das  
 TAMS: (5) Yrs (10) Mos (21) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 1 Dec 03.  
 (Change Discharge to Honorable)

Issue 1: I was misled that General, Under Honorable Conditions would be upgraded 6 months after intial (sic) discharge. Also, my psychiatric (sic) I had impaired my ability to serve. I should have gotten a Life Skills discharge because I was not physically and mentally qualified to serve.

**ATCH**

1. Page 2 of Notification Memorandum.

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FD 2003-10513  
DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 49TH FIGHTER WING (ACC)  
HOLLOMAN AIR FORCE BASE, NEW MEXICO

MEMORANDUM FOR SRA [REDACTED]

FROM: 49 MMSS/CC

08 MAY 2003

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct, Discreditable Involvement With Military or Civilian Authorities. The authority for my recommendation is AFI 36-3208, *Administrative Separation for Airmen*, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as honorable or as under honorable conditions (general). I am recommending that you receive an under honorable conditions (general) discharge service characterization.
2. My reasons that form the basis for this action are as follows:
  - a. You did, at or near Holloman Air Force Base, New Mexico, on or about 10 September 2002, wear an earring in violation of AFI 36-2903. For your misconduct, you received a Letter of Counseling, dated 23 September 2002. (Attachment 1)
  - b. You did, at or near Holloman Air Force Base, New Mexico, on or about 23 September 2002, dishonorably fail to pay a just debt on your Military Star account. For your misconduct you received written counseling, dated 23 October 2002. (Attachment 2)
  - c. You did, at or near Holloman Air Force Base, New Mexico, on or about 4 November 2002, fail to obey a lawful order given by MSgt [REDACTED], to wit: report to your appointed place of duty, Eagle Element, at the appointed time, 1400 hours. For your misconduct, you received a Letter of Reprimand on 8 November 2002. (Attachment 3)
  - d. You did, at or near Holloman Air Force Base, New Mexico, between on or about 15 November 2002 and 12 December 2002, without proper authority, willfully damage by allowing your dependents to mark the walls with crayons, break several window blinds, and place holes in two doors of your assigned government quarters, military property of the United States, the amount of said damage being in the sum of about \$1,500.00.
  - e. You did, at or near Holloman Air Force Base, New Mexico, between on or about 25 November 2002 and on or about 12 December 2002, neglect your dependent children, by allowing them to be locked in their rooms and by failing to maintain a sanitary home. For your misconduct in para 2d-2e, you received Article 15 punishment on 25 February 2003, consisting of reduction to the grade of Airman First Class, suspended through 24 August 2003, 30 days correctional custody, and a Reprimand. An Unfavorable Information File (UIF) was established on 18 March 2003. (Attachment 4)

3. On the issues of whether you should be discharged and whether you should be given probation and rehabilitation, I will also recommend that the following be considered:

a. You were evaluated on 20 November 2002 and diagnosed with having Dysthymic disorder and a Personality disorder not otherwise specified (NOS)(Axis I and Axis II), mental conditions that are so severe that your ability to function effectively in the military environment is significantly impaired. (Attachment 5)

b. You, having received a lawful order from a commissioned officer to refrain from operating a privately owned vehicle on Grand Forks Air Force Base, did, at Grand Forks Air Force Base, North Dakota, on or about 16 September 2000, willfully disobey the same. For this misconduct in a prior enlistment, you received Article 15 punishment, on 6 October 2000, consisting of reduction to Airman First Class, and 30 days restriction. (Attachment 6)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force, will probably be denied enlistment in any component of the armed forces, and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. 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 Major [REDACTED] Area Defense Counsel, Building 222, Holloman AFB, phone 3473, at \_\_\_\_\_ hours on \_\_\_\_\_ 2003. 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 by 13 May 03 unless you request and receive an extension for good cause shown. I will forward your statements 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 a medical examination. You must report to Flight Medicine, Bldg 17, at 0945 hours on 12 MAY 2003 for the examination.

8. 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 in the office of the Area Defense Counsel.

9. You must execute the attached receipt and return it to me immediately. This receipt does not admit or deny any of the allegations against you, nor does it mean that you agree with the discharge action. It is simply an acknowledgment that you have received this Letter of Notification.

  
Commander

Attachments:

1. Letter of Counseling, dated 23 September 2002
2. Letter of Counseling, dated 23 October 2002
3. Letter of Reprimand, 8 November 2002
4. Article 15 w/UIF, dated 25 February 2003 and SFOI Report of Investigation, dated 8 January 2003
5. Life Skills Recommendation, dated 18 March 2003
6. Article 15, dated 6 October 2000