

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

<b>TYPE HON</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	<b>X</b>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
				X+	
				X+	
				X+	
					X
				X+	

ISSUES A94.06 A95.00	INDEX NUMBER A42.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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 <b>29 Jan 2004</b>	CASE NUMBER <b>FD-2003-00439</b>	
------------------------------------	-------------------------------------	--

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C.

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

+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

	DATE: 2/04/2004
--	-----------------

<b>INDORSEMENT</b>	
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-2003-00439**

**GENERAL:** The applicant appeals for a change of the reason for her discharge.

The applicant appeared before the Discharge Review Board (DRB), without counsel, at Andrews AFB, Maryland on 29 January 2004.

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

The following additional exhibits were presented by the applicant:

Exhibit #6: Additional Issue to the DRB.

Exhibit #7: DD Form 215 with attached cover letter.

Exhibit #8: USA Today news article.

Exhibit #9: Substance Abuse (ADAPT program) Evaluation.

**FINDINGS:** Change of reason and authority for discharge are approved.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an impropriety that would justify a change of discharge. However, the Board considered the special precipitating family circumstances experienced by the applicant that resulted in her separation (traumatic death of her spouse), the less than optimal care and compassion rendered by the institution during her initial notification and treatment procedures, and the expected lifelong negative impact of a misrepresentation of her true medical diagnosis, an Adjustment Disorder, vice a Personality Disorder, as recorded on her DD 214, in deciding to grant the applicant relief.

**ISSUE:** The applicant was discharged with an Honorable discharge on 28 August 2002 under the provisions of Air Force Instruction 36-3207. The reason for discharge, as listed on the applicant's DD Form 214, is Personality Disorder. The applicant requests a change in reason for her discharge to miscellaneous or an alternate expression, as she feels that the terminology used (Personality Disorder) unfairly stigmatizes her for life to any future employers and that she bears the burden of explaining, on a recurring basis, the details of her discharge and its precipitating event (death of her spouse). Further the applicant cites that the "discharge does not accurately reflect that the service-member, [and] not the commander, was the impetus behind the discharge", in effect penalizing her for self-identifying for separation. The record reflects that the applicant had previously requested and was denied a hardship separation, as she experienced difficulty coping with the death of her spouse. The applicant subsequently sought counseling from the base chaplain in an effort to help her through the bereavement process and its occupational impact. She ultimately self-referred to the Life Skills Clinic, as she had experienced continued "feelings of depression, anxiety, low energy, apathy, and severely compromised concentration." Consequently, the applicant was given a diagnosis of Adjustment Disorder with mixed Anxiety and Depressed Mood, resulting in a recommendation to pursue an administrative discharge for a mental condition that precludes further military service. Although initially accepting the administrative discharge, the applicant withdrew her acceptance letter and replaced it with a letter of resignation, as advised by her legal counsel as the proper procedure. The applicant's resignation was approved by SAF/MRB on 12 August 2002. The applicant, a student attending an AFIT-sponsored law school at the time of her husband's death, presented lengthy testimony regarding the negative experiences she encountered from the initial death notification, to her unexpected harsh emergency room treatment, and subsequent referral to attend a mandatory alcohol treatment program. The applicant contends that the aforementioned factors, along with her bereavement, contributed to her desire to separate from military service.

**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 concludes that there exists a significant inequity that forms a basis for changing the reason for the applicant's discharge to Secretarial Authority. The governing Department of Defense Instruction that was utilized in the applicant's case does not include a Separation Program Designator (SPD) Code for an Adjustment Disorder, the applicant's true diagnosis. Hence the applicant was discharged with the available SPD Code corresponding to a Personality Disorder, a condition with a significantly different lifelong negative occupational and psychosocial impact, as the narrative reason for her discharge. Therefore, in the absence of a corresponding SPD Code to accurately reflect the applicant's Adjustment Disorder, the Board found that the applicant's reason for discharge should be changed to Secretarial Authority. Further, the Board found that recoupment is not appropriate in this case, since the member was involuntarily discharged for a medical condition that precluded further military service.

Attachment:  
Examiner's Brief

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

MISSING DOCUMENTS

(Former CAPT) (HGH CAPT)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 28 Aug 02 UP AFI 36-3207, Section 2B (Resignation Instead of Undergoing Administrative Proceedings). Appeals for Change to Discharge Reason.

2. **BACKGROUND:**

a. DOB: 8 Jan 74. Enlmt Age: 18 5/12. Disch Age: 28 7/12. Educ: BA. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 35P3 - Public Affairs. DAS: 9 Aug 99.

b. Prior Sv: (1) USAFA Cadet 29 Jun 92 - 28 May 96 (3 Yrs 11 Months).

3. **SERVICE UNDER REVIEW:**

a. Commissioned as 2Lt 29 May 96 and ordered to EAD. Svd: 6 Yrs 3 Mos 0 Das, all AMS.

b. Grade Status: Capt - 29 May 00  
 1Lt - 29 May 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: 21 May 98 - 20 May 99 Wright Patterson AFB YE (Annual)

(Discharged from Bolling AFB)

h. Awards & Decs: AFCM, AFAM, NDSM, AFTR, AFLSA W/1 DEV, AFOEA, AFOUA.

i. Stmt of Sv: TMS: (6) Yrs (3) Mos (0) Das  
 TAMS: (6) Yrs (3) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Aug 03.  
 (Change Discharge to Reason for Discharge)

ISSUES ATTACHED TO BRIEF

**ATCH**

1. Applicant's Ltr, 5 Sep 03.
2. Applicant's Ltr, 5 Sep 03.
3. DD Form 149.
4. Applicant's Ltr, 20 Aug 03.
5. DD Form 214.
6. Separation Documents.

31 Oct 03/cr

**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:**

Letter to Air Force Discharge Review Board

**b. DOCUMENT 2:**

DD Form 214

**c. DOCUMENT 3:**

Notice of Show Cause Action

**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.

Issue 1: The reason for discharge on the DD Form 214 (Item 29) is inequitable, because it unfairly requires the explanation of the former servicemember's marital status and mental health on future job applications.

Issue 2: Additionally, the discharge does not accurately reflect that the servicemember, not the commander, was the impetus behind the discharge.

Issue 3: The discharge rationale is contrary to public policy by adversely labeling the former servicemember to every prospective employer that asks to see the DD 214. It is generally accepted practice for employers to request a copy of the DD 214 to verify military status.

Issue 4: The Air Force's internal regulations and the narrative reason that appears on the member's DD Form 214 are incongruous and inconsistent. That inconsistency should be resolved in favor of the member. Internal regulations caution military personnel flights (MPFs) to safeguard Separation Program Designators (SPDs), stating specifically, "they [SPDs] are intended for internal use by DoD and are not intended to stigmatize individuals." AFI 36-3202, Section B, Para 9. Additionally, public access to these codes are denied using of the Freedom of Information Act (5 U.S.C. 552) and the Air Force Privacy Act Program. The current narrative reason on copy-4 of the DD Form 214, which is to be presented to potential employers, is inconsistent with these guidelines and in this case can only be deemed 'stigmatizing.'

Issue 5: The servicemember's letter of resignation was a reflection of a desire to end her military service, not acquiescence to the proposition that she had a personality disorder. Rather, she maintains that she was undergoing a natural grieving process, which individuals are expected to undergo after a spouse dies, exacerbated by continued military service. She identified the need to remove herself from the situation to complete the grieving process.

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)**

20030820

**b. SIGNATURE**

UPON COMPLETION, MAIL THIS APPLICATION TO THE FOLLOWING MAILING 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 UNIVERSITY (AETC)

04 MAR 2002

MEMORANDUM FOR CAPTAIN [REDACTED]

FROM: [REDACTED]

SUBJECT: Notification of Show Cause Action Initiated Under AFI 36-3206, Chapter 2,  
Paragraph 2.3.7.3.

1. I am initiating action against you under AFI 36-3206, Chapter 2, paragraph 2.3.7 that requires you to show cause for retention on active duty.
2. I am taking this action because you have a mental disorder that interferes with military service, specifically an adjustment disorder with mixed anxiety and depressed mood. The least favorable character of discharge that the Secretary of the Air Force may approve in this case is a discharge under honorable conditions (general). I am recommending an honorable discharge. Attached are copies of documentary evidence supporting this action.
3. Sign and date the attached indorsement acknowledging receipt of this notification memorandum. A copy of the notification memorandum will be provided to you. If you decline to acknowledge receiving this notification memorandum, the officer presenting it to you will indicate on it the date and time that you declined to acknowledge receiving it, and it will be included as a part of your case file.
4. Familiarize yourself with AFI 36-3206, particularly the rights that you have. If you do not apply for retirement or request a resignation in lieu of further administrative action, a Board of Inquiry (BOI) will convene as provided in chapter 7. Contact the office of the Area Defense Counsel, [REDACTED] Bolling AFB, to discuss the procedures involved and your rights and options. If you decline counsel, contact Major [REDACTED] (202) 767-1419, 11 MSS/DPM, chief, Military Personnel Flight, for counseling about your rights and options.
5. If you elect to present matters to a BOI, the standard of proof used by the board to make findings is a preponderance of evidence. You may present evidence and argument to rebut the reason set forth in this notification memorandum or any additional reason or information developed during the BOI proceedings. You also may present other pertinent evidence.
6. Within 10 calendar days after you receive this notification memorandum, you must respond by indorsement to me. If I do not receive the indorsement within the allotted time I will proceed with further action under AFI 36-3206. Include in your indorsement:

WING/CC NOTIFICATION  
MEMORANDUM

a. Any statement you wish to submit on your own behalf and/or any additional evidence that you wish me to consider. If you are unable to submit your statements or documentary evidence within 10 calendar days after receiving this notification memorandum, you may request more time as allowed under AFI 36-3206. Submit your request for additional time to 11 MSS/CC. If you do not submit statements or evidence, your failure will constitute a waiver of your right to do so, and I will refer your case to the BOI.

b. A statement that the Area Defense Counsel counseled you and that you fully understand your rights and options in this action. If you declined counsel, so state and indicate that Major Weaver, chief, Military Personnel Flight counseled you and that you fully understand your rights and options in this action.

c. A statement that you understand the following regarding recoupment of education assistance, special pay, or bonuses received if you haven't completed the period of active duty you agreed to serve:

(1) Recoupment of a portion of education assistance, special pay, or bonus monies received if you voluntarily separate.

(2) Recoupment of a portion of education assistance received if involuntary discharge is for misconduct.

(3) Recoupment of a portion of special pay or bonus monies received regardless of the basis for involuntary discharge.


(4) The recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to you as the unserved portion of active duty bears to the total period of active duty that you agreed to serve.

(5) If you dispute that you are indebted for educational assistance, the board of inquiry, or, if you do not choose or are not entitled to a board of inquiry, an authority appointed by AETC/CC, will make findings and recommendations concerning the validity of your indebtedness. See AFI 36-3206, paragraphs 4.32 and 4.33, regarding special rules for recoupment.

d. A statement notifying me whether you intend to apply for retirement or tender your resignation. If you have applied for retirement or tendered your resignation, attach a copy of the retirement application or the resignation.

e. A statement that the Area Defense Counsel or the Chief, Military Personnel Flight, explained separation pay to you and that you understand the eligibility criteria to receive separation pay.

---





- f. Any other pertinent information.
7. In response to this notification memorandum, you may, within 10 calendar days, tender your resignation under AFI 36-3207, Chapter 2, section B, with the understanding that, if the Secretary of the Air Force accepts your resignation, you may receive a discharge under honorable conditions (general) unless the Secretary of the Air Force determines that you should receive an honorable discharge. If the Secretary of the Air Force accepts your resignation, your discharge date will be as soon as possible but no later than 10 calendar days after the date that the MPF receives separation instructions.
8. I have not taken action required under AFI 31-501 because you do not currently have and have not had in the past access to Sensitive Compartmented Information (SCI), Single Integrated Operational Plan-Extremely Sensitive Information (SIOP-ESI) or other special access programs.
9. You may request excess leave if the Air Force doesn't require your further participation in processing your case.

[REDACTED]

Lieutenant General, USAF  
Commander

Attachments:

1. Member's Acknowledgement
2. Recommendation Memorandum with attachments
  - a. 11 MDOS/SGOH Letter, dated 18 December 2001
  - b. AF ROTC Det 330/CC Letter, dated 18 January 2002
  - c. 11 MSS/CCQ Letter, dated 16 January 2002
  - d. 11 WG/HC Letter, dated 20 December 2001
  - e. Captain [REDACTED] Letter, dated 9 January 2002 with attachments
    - i. [REDACTED] Letter, dated 12 November 2001
    - ii. [REDACTED] Letter, dated 12 November 2001
    - iii. Major [REDACTED] Letter, dated 12 November 2001
    - iv. Captain [REDACTED] Letter, dated 12 November 2001
    - v. Captain [REDACTED] Letter, dated 14 November 2001
3. AFI 36-3206
4. AFI 36-3207
5. Member's Response to Notification of Administrative Discharge