

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AMN	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%;">YES</td> <td style="width:10%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X	
YES	No				
	X				

MEMBER SITTING	COMMITTEE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A93.23 A93.09	INDEX NUMBER A67.00	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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HEARING DATE 12 May 2004	CASE NUMBER FD-2004-00016	
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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.

2004

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-2004-00016

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: 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 was discharged for misconduct. The records indicate the applicant received an two Articles 15 and a vacation of suspended punishment. The offenses documented therein included treating his supervisor with contempt, disobeying a lawful order, dereliction of duty, and a 4-day absence from his unit without authority. Unfortunately, member's discharge processing files and medical records were unavailable to the Board for review due to being missing from the record. Because member's discharge file was unavailable to the Board for review, the Board was unable to conclusively ascertain if there was other misconduct on member's part that formed additional bases for the discharge. The Board also could not determine if member consulted counsel or submitted statements on his own behalf at the time of the discharge. When requested to provide any pertinent information he may have about the discharge file or his record of service, applicant failed to respond. According to applicant, it was during his assignment at Moody AFB, GA, that he began to accept his homosexuality, which in turn caused him some depression because he felt he couldn't continue to function within the constraints of the military. Although by his own account, he received psychiatric care, he continued to suffer from depression and had more problems at work. Unfortunately, the Board is not able to substantiate these contentions, and lacking documented evidence from the applicant to the contrary, the Board relies on the presumption of regularity and finds the discharge proper and without basis for an upgrade. The Board concluded applicant's misconduct documented in the Articles 15 alone was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was appropriate on that basis. No inequity or impropriety could be found in this discharge in the course of the records review.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 AMN) (HGH SRA)

MISSING MEDICAL RECORDS AND DISCHARGE
 DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Moody AFB, GA on 22 Aug 02 UP AFI 36-3208 (Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 16 May 80. Enlmt Age: 17 10/12. Disch Age: 22 3/12. Educ: HS DIPL. AFQT: N/A. A-74, E-45, G-42, M-20. PAFSC: 1C052 - Operations Resource Management Journeyman. DAS: 31 Oct 01.

b. Prior Sv: (1) AFRes 24 Mar 98 - 21 Jul 98 (3 months 28 days) (Inactive).

(2) Enlisted as AB 22 Jul 98 for 4 yrs. Svd: 3 yrs 0 months 23 days, all AMS. AMN - 22 JAN 99. A1C - 22 NOV 99. SRA - 22 JUL 01. EPRs: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 15 Aug 01 for 6 yrs. Svd: 1 Yr 0 Mo 7 Das, all AMS.

b. Grade Status: Amn - 7 Aug 02 (Article 15, 7 Aug 02)
 A1C - 5 Feb 02 (Vacation of Article 15, 15 May 02)

c. Time Lost: None.

d. Art 15's: (1) 7 Aug 02, Moody AFB, GA - Article 86. You, did, on or about 22 Jul 02 and on or about 25 Jul 02, without authority, absent yourself from your unit. Reduction to Airman. (No appeal) (No mitigation)

(2) 15 May 02, Vacation, Moody AFB, GA - Article 92. You, who knew of your duties, on or about 1 May 02, were derelict in the performance of those duties in that you negligently failed to have two pilots sign their AETC Form 1138 prior to their flights, as it was your duty to do. Reduction to A1C. (No appeal) (No mitigation)

(3) 5 Feb 02, Moody AFB, GA - Article 91. You, on or about 17 Jan 02, did treat with contempt SSgt [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, who was in the execution of her office, by saying "No, No, No, you are not doing this to me. I am leaving for the rest of the day. And oh, by the way, don't expect to see me tomorrow," or words to

that effect. You, having received a lawful order from SSgt [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, to go to your room, put your uniform on and come back to work, an order which it was your duty to obey, did, on or about 17 Jan 02, willfully disobey the same. Suspended reduction to A1C, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 22 Mar 01 - 1 Sep 01 Randolph AFB 5 (CRO)

h. Awards & Decs: AFAM, AFTR, NDSM, AFLSAR.

i. Stmt of Sv: TMS: (4) Yrs (5) Mos (0) Das
TAMS: (4) Yrs (1) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 12 Jan 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. AF Form 100.

30MAR04/ia

Below is a summary of what lead to my decision to leave the military. I hope you, the council, understand that this approach was best not just for me but my family as well.

Things didn't start going downhill for me until I changed station, from Randolph AFB to Moody AFB. I want the council to know that I volunteered for this change. The main reason being, to the best of my knowledge, I had the most time on base. Knowing this, I thought it would be best to just volunteer since someone in my career field was badly needed for the new squadron at Moody, plus I thought volunteering would make me look good. I had to reenlist to do this since my 4 years was about up, so I did, not knowing what change was going to

occur in me ... or should I say surface

So, I made it to Moody and all was good for a while until Christmas started closing in. I started becoming more and more depressed since I had no friends, was trying to get work organized at a new squadron, as well as help build onto it and set up computers. Mainly tho, it was because I began to notice an increased attraction for guys. I want the council to understand, I seemed to have always had an attraction for guys, but it was more of a dormant thing. I didn't think much of it. Now that my true self had come out, I started getting really depressed. This was from realizing that I can't be like this while in the military, I can't be myself. I started becoming mentally unstable.

After this my co-workers started realizing how stressed and depressed I was. My supervisor informs our commander, since I started to talk about how I wish I was not even alive and just wanting to end it all. My commander ends up sending me to a mental health institute for a few weeks to hopefully get better. After a while I was approved by a psychiatrist to leave. I continue to go to work and I also continued counseling sessions at mental health on base, which I started before I even went to the institution.

A couple of months later after doing well and being appraised by my ADO for doing well, I make a mistake I forget to have a pilot initial his FCIF card. My supervisor eventually finds out and ends up calling me into the office to have me sign another

Article 15. After this my depression came back and got yet even worse. I mean it just hit me like a ton of bricks and I went of on my supervisor. I felt as tho she was attacking me and out to get me for anything. I do my best to put the past behind me as well as all the things that depressed me in the past not to mention being gay and all and then this comes up. I mean, this is something I couldn't escape. This is who I am and I had a very hard time accepting myself for who I am. I just felt as tho it would be so much easier to end it all and take my own life. I don't think I ever signed the Article 15 instead I leave the base, not thinking straight, disoriented and highly upset. I was so mentally unstable, my intention was to

to commit suicide somehow. I wasn't sure how I would do it and it wasn't what I really wanted. I just felt that it was my only option.

Instead I call a friend and she convinces me to go back, so I do, not caring what happens to me since I felt as tho I had death to lean on if things got too bad. The SPs at ^{the} gate pulled me over and had my 1st Seargant come and get me.

Not long after this I go see the major, forgot her name, again ^{at mental health} and she asks if I want to talk and I let her know all that was bothering ^{me} including being gay. It was hard for ^{me to} open up and talk to someone on this matter. The major ended up scheduling me to go to some naval base to once again hopefully get better. This is also when I let her know it is best for me and my family that

I get out of the military since I wasn't sure of what I would do to myself if I stayed in. So, I get sent to mental health at the nava/base while my paperwork was being processed. I got to feeling a little better. When I got back to Moody AFB I go to see my 1st Seargant and he kept me buisy till it was time for me to get out.