

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="background-color: black; width: 100%; height: 1.2em;"></div>		<b>GRADE</b> <div style="text-align: center;">AB</div>	<b>AFSN/SSAN</b> <div style="background-color: black; width: 100%; height: 1.2em;"></div>																																			
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>																																			
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<b>HEARING DATE</b> <b>08 Jun 2004</b>		<b>CASE NUMBER</b> <b>FD-2004-00029</b>																																				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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>																																						
<b>INDORSEMENT</b>		<b>DATE: 6/8/2004</b>																																				
<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																																				

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2004-00029</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDINGS:</b> Upgrade of discharge is denied.</p> <p><b>ISSUE:</b> Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for failure to obey a lawful order to take the Anthrax vaccination. 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.</p> <p><b>CONCLUSIONS:</b> 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

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

(Former AB) (HGH SRA)

MISSING DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Elmendorf AFB, AK on 7 Dec 99 UP AFI 36-3208 (Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 25 Aug 74. Enlmt Age: 19 10/12. Disch Age: 25 3/12. Educ: HS DIPL. AFQT: N/A. A-77, E-69, G-78, M-68. PAFSC: 4P051 - Pharmacy Journeyman. DAS: 13 Jun 97.

b. Prior Sv: (1) AFRes 12 Jul 94 - 27 Sep 94 (2 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as Amn 28 Sep 94 for 4 yrs. Extended 26 Feb 97 for 21 months. Svd: 5 Yrs 2 Mo 10 Das, all AMS.

b. Grade Status: AB - 28 Sep 99 (Article 15, 28 Sep 99)  
SrA - 28 Sep 97  
A1C - 28 Jul 95

c. Time Lost: None.

d. Art 15's: (1) 28 Sep 99, Elmendorf AFB, AK - Article 92. You, having knowledge of a lawful written order issued by Col. [REDACTED] 3 MDSS/CC, to wit: to immediately report to Military Public Health, 3<sup>rd</sup> Medical Group, Elmendorf AFB, AK, and there receive an anthrax vaccination, dated 20 Sep 99, an order which it was your duty to obey, did, on 20 Sep 99, fail to obey the same by wrongfully refusing to report to Military Public Health, 3<sup>rd</sup> Medical Group, Elmendorf AFB, AK, and there receive an anthrax vaccination. Reduction to AB. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: 28 Sep 94 - 27 May 96 RAF Lakenheath 5 (Initial)  
28 May 96 - 08 Apr 97 RAF Lakenheath 4 (CRO)  
09 Apr 97 - 09 Apr 98 Elmendorf AFB 3 (Annual)  
09 Apr 98 - 08 Dec 98 Elmendorf AFB 5 (CRO)

h. Awards & Decs: AFAM, AFLSAR, AFTR, AFOSLTR, NDSM, AFOUA W/1 DEV,

AFGCM.

i. Stmt of Sv: TMS: (5) Yrs (4) Mos (26) Das  
TAMS: (5) Yrs (2) Mos (10) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jul 03.  
(Change Discharge to Honorable)

Issue 1: I believe my discharge should be upgraded to honorable because my record was flawless up until I refused the Anthrax vaccine in October 1999.

Issue 2: I researched the safety of the vaccine for 9 months before I made the hard decision to refuse it.

Issue 3: I had not had children yet and I was quite concerned with the lack of studies done with the vaccine concerning fertility.

Issue 4: The vaccine was an 18 month course for the full amount. One every two weeks and then one every 6 months. The insert for the vaccine stated that one needed the full course to be "protected", however I was due to separate honorably 8 months from the time I was given the order to receive the vaccine. The government would have been wasting \$\$ on my partial course for the anthrax vaccine.

**ATCH**

1. DD Form 214.

20APR04/ia