

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ██████████
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>		
	<b>X</b>		

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOHC	OTHER	DENY
	X				
	X				
	X				
					X
	X				

<b>ISSUES</b> A94.06	<b>INDEX NUMBER</b> A49.00	<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> 18 May 2004	<b>CASE NUMBER</b> FD-2004-00060	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.

*[Signature]*

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<b>INDORSEMENT</b>		<b>DATE:</b> 5/20/2004
<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	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2004-00060**

**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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Letters of Reprimand and two Letters of Counseling and was discharged for unsatisfactory performance, mainly for making a comment about using his weapon on his supervisor if provoked. According to the records, the comment was made in response to a question by a mental health advisor. Also, the member's supervisor made a similar comment about "going postal" and only received a verbal counseling.

**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 further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable characterization.

Attachment:

Examiner's Brief

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

[REDACTED]  
[REDACTED]  
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Hurlburt Field, FL on 5 Nov 02 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Performance). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 3 Sep 82. Enlmt Age: 17 5/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-46, E-32, G-36, M-22. PAFSC: 3P031 - Security Forces Apprentice. DAS: 15 Nov 01.

b. Prior Sv: (1) AFRes 29 Feb 00 - 16 May 00 (2 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 May 00 for 6 yrs. Svd: 2 Yrs 5 Mo 20 Das, all AMS.

b. Grade Status: A1C - 14 Jul 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 31 JUL 02 - Late for work.  
LOR, 31 JUL 02 - Failure to obey a lawful order.  
RIC, 14 JUN 02 - Lying.  
RIC, 10 JUN 02 - Late for duty.

f. CM: None.

g. Record of SV: 17 May 00 - 28 Feb 02 Hurlburt Field 4 (HAF Dir)

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

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (8) Das  
TAMS: (2) Yrs (5) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 Feb 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Air Force Achievement Medal.
3. Letter of Appreciation.
4. Two Training Certificates.
5. Certificate of Appreciation.
6. Mental Health Report.
7. Response to Administrative Discharge.
8. Statement of Suspect/Witness/Complainant.
9. Enlisted Performance Report.
10. Letter of Evaluation.
11. Notification Memorandum.
12. Three Character References.

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[REDACTED]

September 18, 2003

Air Force Review Boards Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TEX 78150-4742

To the Review Board:

This is in regards to the "General Discharge" issued from Hurlburt Field, Florida. This discharge initiate because of an incident initiating with my Flight Chief, Tech Sgt. [REDACTED] and myself.

The incident ignited when I was approached by my Flight Chief regarding my request for cross-training from the "Security Forces" to "Chaplain's Assistant." Without provocation, Tsgt. [REDACTED] approached me in a rage that culminated in a threat. My official statement as submitted April 24, 2002 (official handwritten copy attached):

*"On last night, April 23, 2002, at about 1:30 a.m., I was approached by my Flight Chief, while myself and SRA [REDACTED] were posted out at Commando Village (27). Our flight chief which is non other than Tsgt. [REDACTED] approached me in a very unprofessional way, while he asked about my cross-training into the Chaplain Program. His exact words were:*

*"Mother Fucker, your mother fucking ass don't know shit about being a mother fucking cop because your bitch ass didn't do a mother fucking thing in Korea. Bitch your ass was back office for how long, four to five months you worked flight. I have been a cop of 17 years and you don't know shit that's why you had a low fucking score on your QC. Bitch I just want to let you know that I will harass your mother fucking ass until you get out of my career. You still don't know shit about being a copy because this is not cop work here at Hurlbert Field because the real cop career field is at Eglin. I bang my head up against the wall everyday to not go Postal and shoot up everything and everyone on this base. This base is full of shit and I can't wait to go back to Eglin." End of quote*

Tech Sgt. [REDACTED] in his rage, revealed contempt for me as a man, and his language was a direct affront to my commitment to the U.S. Air Force, and

my Christian values. I found his behavior to be unprofessional, demeaning, and severely abusive; especially in the presence of my coworker. I felt challenged and compromised both as a man and a professional.

This incident came at a vulnerable time in my life. My wife was experiencing complications with the birth of our first child. In addition, I experienced the sudden death of a close family member.

There was a direct threat that he would harass me until I was removed from his department. This was observed and documented by Sr. Airman [REDACTED] (this recollection of the incident was included in the official report.) This was especially disconcerting considering the fact that he knew I had expressed my desire to pursue cross-training as a "Chaplain's Assistant.

Because of the abusive language, the obvious contempt for me as a person, and the threat to continually harass me, I felt the environment and TSgt. [REDACTED] were too hostile to continue under his leadership. At this time, I registered my concerns to First Sgt. [REDACTED] and was subsequently referred to SMSgt. [REDACTED], Operations Supervisor. Eventually, I was handled by seven officers. (*The details are included in the official package.*)

I was particularly taken back when after verifying my concerns, Tech Sgt. [REDACTED] was verbally reprimanded and I was asked to return to the hostile environment. TSgt. [REDACTED] made it clear that he would harass me until I was out of his career field. I took him at his word. Because of what I had experienced, I had no choice but to refuse.

The outcome of the investigation was devastating to me. In addition to the "General Discharge, in lieu of an Honorable Discharge" all other recommendations were ignored and the case was not stated objectively.

1. The investigation shifted from the inappropriate behavior of TSgt. [REDACTED] to my refusal to allow him to make good on his promise to harass me.
2. The reference to use of weapons were generalized to appear as if I was a threat to others "if pressed." When, in fact, all references were made regarding Tsgt. [REDACTED].

3. No mention was made as to my request to be transferred to another unit within Security Forces, or my request to be cross-trained as a Chaplain's Assistant, or my willingness to go to any other career field.
4. The reason given for the discharge focused on my performance. All factors supporting the charge of unsatisfactory performance took place after the complaint was filed and during the preparation for separation. rather than the incident that started the dispute. (This was puzzling as even in the face of what was going on, I continued to receive awards to the contrary.) Confidence was shown in me by Hurlburt Field as late as August 8, 2002 by giving me the honor of standing in for the Chaplain and performing the Invocation for the "**HURLBURT FIELD April through June Company Grade Officer and Civilian of the Quarter Awards Luncheon August 8, 2002**" (Program attached.)
5. The observations and the recommendation of Clinical Psychologists, Capt, USAF, BSC [REDACTED] and Lt. Col (Sel), BSC [REDACTED] were totally ignored. The information taken from the report was selective and ignored any references to retention.

Under Item 4 in the "**Memorandum for Commanding Officer 16<sup>th</sup>** Security Forces Squadron under the Subject "**Mental Health Evaluation of AIC [REDACTED]**" the report states the following:

**Recommendations: Answers to the commander's specific questions follow:**

**a. Diagnosis and Prognosis** *The member has a Diagnosis of Adjustment Disorder with Mixed disturbance of Emotions and Conduct. This means he has clinically significant emotional and behavioral symptoms in response to identifiable life stressors (the sudden death of his brother, occupational problems, and pending birth of his first child.).....*

**b. Risk of danger to self or others** *I do not judge the member to be at increased risk for harm to self or others at this time. However, due to the member's statement that he would use his weapon against his supervisor if provoked, as a precaution, I would not recommend this member carry a weapon.*

**c. Suitability for Security Clearance or other sensitive position** *The member has no current mental or emotional disorder that would make him a risk for security clearance, however, I do not recommend the member for sensitive duties such as carrying a weapon.*

**d. Suitability for continued military service** *I recommend the member be cross-trained into another career field, as he is not much of an asset to the Security Forces Squadron without a weapon. Additionally, the member may be able to fulfill his 6-year enlistment in another capacity which may better serve the needs of the Air Force.*

This report came after a full battery of test and was at the request of SMSgt. USAF [REDACTED] and Lt. Col. USAF [REDACTED]. It was in the best interest of all concerned, including the U.S. Air Force, it was fair, constructive and accurate. I don't understand why it was ignored.

I am requesting that this Discharged be reviewed and reversed or upgraded to Honorable. I am committed to serving in the U.S. Air Force. This is evident since one day after graduating from high school, I reported for duty at the MEPS station in Texas. I enlisted for six years instead of four as I intended to make a career of the U.S. Air Force.

Coming from a small town and a family of integrity whom most of the men are preachers, and the majority of the men have served in the armed forces. The Air Force provided all of the elements of possibility to me. I could serve my country, learn job skills, travel, and continue my education. There was an added benefit I had not foreseen. I met and married my wife who is from Kentucky, and is also in the U.S. Air Force. We both had plans to make a career of the U. S. Air Force. We now have an Air Force baby boy.

I don't know what I could have done differently when confronted by TSgt. [REDACTED]. I came to the Air Force at the age of eighteen. I came to learn and to grow as a person. The incident with Tsgt. [REDACTED] caught me by surprise and I was ill equipped to deal with the combination of his age, his position, and his behavior. I do not believe it should have cost me my career. In addition to altering my life plans, it has been documented by the U.S. Air Force that; 'A 'General' discharge has been found to be a



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*disadvantage in seeking civilian employment."*

Because of the foregoing, I am, humbly requesting the discharge be upgraded to Honorable.

Honorably yours,



**Attachments/Supporting Documents:**

1. Copy of Awards
2. Copy of Hurlbert Field Recognition Program
3. Mental Health Report from Captain [REDACTED] and Lt. Col [REDACTED], Clinical Psychologists USAF
4. Response to Administrative Discharge Action
5. Original copy of original Statements from
  - a) AIC [REDACTED] submitted April 24, 2002
  - b) [REDACTED], submitted April 24, 2002
6. Copy of last "Enlisted Performance Report" Hurlbert Field, Fla (May 17, 2000 - February 2002).
7. Letter of Evaluation - SSgt, USAF Kunsan Air Base, Korea
8. Notification Letter of Discharge from Maj, USAF [REDACTED]
9. Character Reference Letters



DEPARTMENT OF THE AIR FORCE  
16<sup>th</sup> SECURITY FORCES SQUADRON (AFSOC)

FD 2004-00060

17 OCT 02

MEMORANDUM FOR A1C [REDACTED] 16 SFS

FROM: 16 SFS/CC

SUBJECT: Notification Letter – Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance, specifically failure to perform assigned duties properly. The authority for this action is AFD 36-32 and AFI 36-3208, chapter 5, section E, paragraph 5.26.1. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reason for this action is that you have been disqualified from your Air Force Specialty Code (AFSC), Security Forces for threatening to use your weapon on innocent individuals, and based on a psychiatric diagnosis of adjustment disorder with mixed disturbance of emotions and conduct, the Wing Commander determined that you should be separated in accordance with AFI 36-2626 para 4.3 and Atch 10. Among other factors affecting this decision were:
  - a. On or about 30 Jul 02, you failed to report to work on time, for which you received a Letter of Reprimand (LOR), dated 31 Jul 02, which was filed in your Personnel Information File (PIF).
  - b. On or about 29 Jul 02, you failed to comply with an order to conduct a police call in the vicinity of the Cone shed, for which you received an LOR, dated 31 Jul 02, which was filed in your PIF.
  - c. On or about 20 May 02, you provided the additional duty first sergeant with misinformation, for which you were given a Record of Individual Counseling (RIC), dated 14 Jun 02, which was filed in your PIF.
  - d. On or about 28 May 02, you failed to report to work on time, for which you received a RIC, dated 10 Jun 02, which was filed in your PIF.
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. If you are discharged, you will be ineligible for reenlistment in the Air Force.
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 the Area Defense Counsel, Hurlburt Field, FL,

Bldg 90042, 4-5216/5217, on 21 Oct 02 at 1000 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within 3 workdays unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

7. You are scheduled for a medical examination and you should report to the Hurlburt Field Clinic at 1045 hrs on 24 Oct 02 for the examination.

*EDW  
MOR 0815 GOW  
MOR*

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 will be provided upon your request.

  
Maj, USAF  
Commander

Attachments:

Documents supporting basis for discharge

1. Retention v. Separation Package, dtd, 5 Sep 02 (14p)
2. LOR, dtd 31 Jul 02 (1p.)
3. LOR, dtd 31 Jul 02 (1p.)
4. RIC, dtd 14 Jun 02 (2ps.)
5. RIC, dtd 10 Jun 02 (2ps.)
6. Airman's receipt of notification memorandum