

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> AIC	<b>AFSN/SSAN</b> ██████████
--	---------------------	--------------------------------

<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>		

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

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A67.10	<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> 14 Sep 2004	<b>CASE NUMBER</b> FD-2004-00080	
------------------------------------	-------------------------------------	--

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 and the right to submit an application to the AFBCMR

<b>INDORSEMENT</b>		<b>DATE: 9/22/2004</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	

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00080

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

The applicant appeared and testified at Andrews AFB, MD on September 14, 2004.

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

**FINDINGS:** Upgrade of discharge and change of reason and authority for discharge are denied.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, four Letters of Reprimand, and three Letters of Counseling for various misconduct. The applicant states that his misconduct was caused by a personality disorder that he was diagnosed with. In a review of the records, it was determined that the main reason for the discharge was the applicant's misconduct. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. 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.

**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

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

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Seymour Johnson AFB, NC on 27 Feb 03 UP AFI 36-3208, para 5.49 & 5.11.9 (Misconduct - Minor Disciplinary Infractions and Mental Disorder). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 27 Jun 82. Enlmt Age: 18 5/12. Disch Age: 20 8/12. Educ: HS DIPL. AFQT: N/A. A-83, E-83, G-96, M-94. PAFSC: 2W031 - Munitions Systems Apprentice. DAS: 23 Apr 01.

b. Prior Sv: (1) AFRes 30 Nov 00 - 11 Dec 00 (12 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Dec 00 for 6 yrs. Svd: 2 Yrs 2 Mo 16 Das, all AMS.

b. Grade Status: A1C - 26 Jan 01

c. Time Lost: None.

d. Art 15's: (1) 20 Dec 02, Seymour Johnson AFB, NC - Article 86. You did, on or about 11 Dec 02, without authority, fail to go at the time prescribed to your appointed place of duty. Forfeiture of \$250.00 pay. (No appeal) (No mitigation)

e. Additional: RIC, 11 DEC 02 - Not wearing proper safety equipment.  
LOR, 02 FEB 02 - Late for work.  
LOR, 09 JAN 02 - Late for work.  
LOR, 20 NOV 01 - Late for work.  
LOR, 10 JUL 01 - Late for work.  
RIC, 08 JUN 01 - Late for work.  
RIC, 05 JUN 01 - Late for work.

f. CM: None.

g. Record of SV: 12 Dec 00 - 12 Aug 02 Seymour-Johnson AFB 3 (Initial)REF

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

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (29) Das  
TAMS: (2) Yrs (2) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Feb 04.  
(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

Issue 1: My discharge was improper because the primary reason for the classification of my discharge is a "Pattern of Misconduct", with a "Character Behavioral Personality Disorder, None-Otherwise Specified" listed as the secondary reason, and it is my firm belief that the personality disorders should take sole precedence (sic) as the reason for my discharge. I believe the discharge should be up-graded to Honorable, because any actions or incidents of misconduct on my part were caused by the personality disorders, and NOT vice-versa. Furthermore, I believe that the preparation of the discharge package, as well as the listing of the "Pattern of Misconduct" as the primary reason for the classification of the discharge, was a purposeful and deliberate act by my squadron. This was done in retaliation for a failed urinalysis and subsequent trial by court-martial, of which I was acquitted of any wrong-doing by a panel of officers. I feel that this course of action was unjust and that the classification of my discharge should be up-graded to Honorable on the basis of propriety. I do not feel the proper procedures were followed in preparing my discharge package, specifically in the listing of the reasons for discharge, nor in the classification of the discharge, as I stated earlier. The alleged "Pattern of Misconduct" is also unjust. The basis' of the allegation were seven incidents of tardiness to work, with one isolated incident concerning safety in 27 months of service. These are very minor offenses, only three of these tardies were in a span of more than 15 minutes from the beginning of the workday. Two of these incidents were only in a span of five minutes from the start of the workday. I do not believe that these incidents were nearly adequate to warrant a discharge.

**ATCH**  
None.

5MAY04/ia



DEPARTMENT OF THE AIR FORCE  
4TH FIGHTER WING (ACC)  
SEYMOUR JOHNSON AIR FORCE BASE NC

FD 2004-00080

13 Feb 03

MEMORANDUM FOR A1C [REDACTED]

FROM: 4 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a condition that interferes with military service, specifically a mental disorder and misconduct, specifically minor disciplinary infractions. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, Chapter 5, Section B, Paragraph 5.11.9 and Section H, Paragraph 5.49. According to Table 1.3 of AFI 36-3208, your service can be characterized as honorable, general, or under other than honorable conditions. I am recommending that the primary basis for your discharge be misconduct and your service be characterized as general.

2. My reasons for this action:

a. You have been diagnosed with an occupational problem and a personality disorder (antisocial/sociopathic traits). These disorders are so severe that your ability to function effectively in the military environment is significantly impaired. Further, your disorder has hampered the mission effectiveness of your unit and makes you unsuited to continue your duties. These actions are documented by 4 MDOS/SGOH memorandum, dated 7 January 2003 (Tab 1a) and 4 EMS/CC memorandum, dated 29 January 2003 (Tab 1b).

b. On 5 June 2001, you reported late for duty. For this misconduct, you received a Record of Individual Counseling (AF Form 174). This is documented by an AF Form 174, dated 5 June 2001 (Tab 1c).

c. On 8 June 2001, you reported late for duty. For this misconduct, you received a Record of Individual Counseling, your second one within a 4 day timeframe. This is documented by an AF Form 174, dated 8 June 2001 (Tab 1d).

d. On 9 July 2001, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received a Letter of Reprimand. This is documented by a Letter of Reprimand, dated 10 July 2001 (Tab 1e).

e. On 19 November 2001, you reported late for duty. For this misconduct, you received a Letter of Reprimand. This is documented by a Letter of Reprimand, dated 20 November 2001 (Tab 1f).

f. On 7 January 2002, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received a Letter of Reprimand. This is documented by a Letter of Reprimand, dated 9 January 2002 (Tab 1g).

g. On 1 February 2002, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received a Letter of Reprimand. This is documented by a Letter of Reprimand, dated 2 February 2002 (Tab 1h).

h. On 9 December 2002, you failed to wear the proper personal protective equipment while performing maintenance on a 2N MHU-110/M rail. For this misconduct, you received a Record of Individual Counseling (AF Form 174). This is documented by an AF Form 174, dated 11 December 2002 (Tab 1i).

i. On 11 December 2002, you failed to go to your appointed place of duty at the time prescribed. For this misconduct, you received an Article 15. This is documented by an AF Form 3070, dated 20 December 2002 (Tab 1j).

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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.

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 Capt [REDACTED], Area Defense Counsel, at 1185 Cannon Street, Suite 308, Seymour Johnson AFB NC. The Area Defense Counsel can be reached at ext. 2-5345 or DSN 722-5345. Your appointment has been scheduled on 14 Feb 03 (date) at 0800 (time). 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 20 Feb 03 (allow three duty days) 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 in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a mandatory medical examination at the 4th Medical Group, Seymour Johnson AFB. Report to the Gold Team on 13 February 2003 at 1010 hours. Your appointment is with [REDACTED].

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. Copies of AFI 33-332 and AFI 36-3208 are available for your use at the unit orderly room or the Area Defense Counsel office.

9. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 10 February 2003 at 1300 hours. You must report to building 3602 for your TAPs counseling.

10. Execute the attached acknowledgement and return it to me immediately.

  
Lt Col, USAF  
Commander, 4 EMS

Attachments:

Supporting Documents

- a. 4 MDOS/SGOH Memorandum, dated 7 January 2003
- b. 4 EMS/CC Memorandum, dated 29 January 2003
- c. AF Form 174, dated 5 June 2001
- d. AF Form 174, dated 8 June 2001
- e. Letter of Reprimand, dated 10 July 2001
- f. Letter of Reprimand, dated 20 November 2001
- g. Letter of Reprimand, dated 9 January 2002
- h. Letter of Reprimand, dated 2 February 2002
- i. AF Form 174, dated 11 December 2002
- j. AF Form 3070, dated 20 December 2002