

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE LT COL	AFSN/SSAN ██████████				
TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION					
YES	No	██████████					
<input checked="" type="checkbox"/>	<input type="checkbox"/>	██████████					
		ADDRESS AND OR ORGANIZATION OF COUNSEL ██████████					
MEMBER SITTING		VOLE OF THE BOARD					
		HON	GEN	UOTHC	OTHER	DENY	
						X	
						X	
						X	
						X	
ISSUES A94.11 A92.01 A92.03 A01.39 A92.19 A02.21		INDEX NUMBER A80.00		EXHIBITS SUBMITTED TO THE BOARD			
				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 17 Nov 2004		CASE NUMBER FD-2004-00098					
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>							
<p>Case heard via video teleconference between Andrews AFB, MD and Randolph AFB, TX.</p> <p>DD Form 149 submitted. Advise applicant of the decision of the Board and the case will be forwarded to the AFBCMR for further processing.</p> <div style="text-align: center; margin-top: 20px;"> </div>							
INDORSEMENT		DATE: 11/29/2004					
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					

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2004-00098

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel at Andrews AFB, MD, via video teleconference with Randolph AFB, TX, on November 17, 2004.

The following additional exhibit was submitted at the hearing:

Exhibit 5: Additional submission consisting of 49 pages, provided on November 17, 2004.

The attached brief contains the available pertinent data on the applicant and factors leading to the discharge. The applicant's issues are also listed in the attached brief.

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 the discharge.

Issues 1 - 5. Applicant contends discharge was inequitable because it was too harsh. Applicant also contended that he should not be penalized indefinitely for his mistake. He noted his excellent service record and his good post-service citizenship. The records indicated the applicant received an Under Honorable Conditions (General) discharge pursuant to his request to be discharged in lieu of further administrative discharge processing for disrespect to another commissioned officer, mistreatment of several female subordinate personnel by inappropriate comments and touching, and conduct unbecoming an officer by inappropriate comments about patients, co-workers, and his medical duties in front of subordinate enlisted personnel. These actions were documented in, and member was punished for them via, an Article 15. The Board recognized applicant's duty performance was satisfactory for most of his period of military service; however, his misconduct was sufficient reason for receiving a General discharge. Unacceptable conduct that is a significant departure from the conduct expected of an officer adversely impacts otherwise satisfactory duty performance. Applicant's misconduct was of enough severity to warrant his discharge.

Issues 6 & 7. Applicant contends the actions of his chain of command were baseless, arbitrary and capricious. He felt the investigation of his actions was improper, and the discharge was unjust and dishonest. The Board found this issue without merit. The applicant's assertions were not supported by evidence nor the record. The cumulative result of member's multiple incidences of misconduct, which tended to disrupt good order, discipline, and morale, was a General discharge that the Board finds appropriate. Characterization as Honorable is only appropriate when the record has been so meritorious that any other characterization would be clearly inappropriate. The applicant's military records clearly document conduct totally incompatible with military service, and the Secretary of the Air Force, while aware of the option to approve an Honorable discharge, determined that General discharge (under honorable conditions) was appropriate.

Issue 8. During the hearing applicant further contended he had inadequate legal counsel. The Board finds this issue without merit. The record fully documents that applicant had the advice and assistance of counsel throughout his Article 15 and discharge processing. His counsel submitted a several page written document on member's behalf and it appeared by the record that the counsel diligently executed his duties. Furthermore, although applicant stated in hearing he would have preferred to argue his case at court martial, he further conceded that the conduct unbecoming an officer charge would constitute a felony if convicted, and could ruin his career. The record clearly shows that member consulted counsel, waived his right to court martial and accepted the Article 15. Applicant stated he did so because he thought this would terminate the discharge action and preserve his ability to continue practicing medicine. Applicant further stated this was also the initial reason he submitted his resignation in response to the discharge action,

although he later tried to withdraw his resignation after his medical credentials were restored. At the time he submitted his resignation, he signed a statement acknowledging that he understood the consequences of his request to resign. Applicant was clearly familiar with his options, thus it appeared to the Board that with the assistance and advice of counsel, applicant considered his options and chose those he thought posed the least risk to his future. There is no evidence that the applicant's rights were in any way violated and the applicant didn't provide any such evidence. The fact that the results of the legal counsel or actions taken were not what member desired does not constitute inadequate counsel. Applicant failed to demonstrate his allegation of ineffective counsel.

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]
(Former LT COL) (HGH LT COL)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dyess AFB, TX on 15 Aug 97 UP AFI 36-3207, Chapter 2, Section B (Resignation in Lieu of Further Administrative Discharge Action). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 7 Jul 42. Enlmt Age: 25 4/12. Disch Age: 55 1/12. Educ: MD. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 045S3 - General Surgeon. DAS: 30 Apr 96.

b. Prior Sv: From 13 Nov 67 through 27 Apr 96. Svd: 32 yrs 9 months 27 days, of which AMS is 7 yrs 4 months 18 days. Appt to 1Lt 3 Nov 67. Capt - 6 Jun 70. Maj - 5 Jul 72. Lt Col - 18 Jul 86. OPRs: 01,01,01,01,01,01,01,01, MS, MS, MS, MS, MS, MS.

3. **SERVICE UNDER REVIEW:**

- a. Ordered to EAD as Lt Col 28 Apr 96. Svd: 1 Yrs 3 Mo 18 Das, all AMS.
- b. Grade Status: None.
- c. Time Lost: None.
- d. Art 15's: (1) 18 Dec 96, Dyess AFB, TX - Article 89. You, did, on or about 31 Jul 96, behave yourself with disrespect toward [REDACTED], your superior commissioned officer, then known by you to be your superior commissioned officer, by stating in the presence of enlisted personnel that [REDACTED] was "an uptight bastard," or words to that effect. Article 92. You, who knew or should have known of your duties, from on or about 30 Apr 96 to on or about 31 Aug 96, were derelict in the performance of those duties in that you negligently failed to wear a mask in restricted areas of Dyess Hospital, as it was your duty to do. Article 133. You did, on or about 30 Apr 96 to on or about 31 Aug 96, maltreat [REDACTED] and [REDACTED] persons subjected to your orders, by making inappropriate comments, to wit: "You know what I could go for - a martini and a good piece of ass," "I really needed some chest." "Are any of them as good looking as you," "God, I'm horny," "I'm incredibly sexy," "Always glad to help out the best looking nurse in the Hospital," or words to that effect, which, under the

circumstances, constituted

FD2004-00098

conduct unbecoming an officer and gentleman. Article 133. You, did, on or about 30 Apr 96 to on or about 31 Aug 96, maltreat [REDACTED] a person subject to your orders, by unlawfully touching her shoulders and waist with your hands, which, under the circumstances, constituted conduct unbecoming an officer and gentleman. Article 133. You, did, from on or about 30 Apr 96 to on or about 31 Aug 96, maltreat [REDACTED], [REDACTED] persons subject to your orders, by wrongfully addressing them with inappropriate terms, to wit: "lover," "sweetie," "honey," "beautiful," "darling," and "cute," or words to that effect, which under the circumstances, constituted conduct unbecoming an officer and gentleman. Article 133. You, did, from on or about 30 Apr 96, while on duty make disparaging comments about patients, coworkers, and medical duties in the presence of enlisted personnel, to wit: "titty examination," "come and look at this asshole with me," "so long as it's not on his dick - those are gross," "is that smell her appendix or pussy," "ignorant black nurse," and "incompetent pregnant nurse," or words to that effect, which, under the circumstances, constituted conduct unbecoming an officer and a gentleman. Forfeiture of \$2489 pay per month for two months and a reprimand. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 28 Apr 96 - 14 Aug 96 Dyess AFB MS (HAF Dir)

h. Awards & Decs: MSM, AFTR, NDSM W/1 OLC, AFLSAR W/1 OLC, SAEMR, AFOUA W/2 OLCS.

i. Stmt of Sv: TMS: (34) Yrs (1) Mos (15) Das
TAMS: (8) Yrs (8) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Mar 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Copy of Letter to Former Commander.
3. DD Form 214.

6APR04/ia



3/19/04

Dear Sirs:

Enclosed please find my application for a review of my discharge from the United States Air Force. The granting of an honorable discharge is justified for the following reasons.

1. I had a long career in the Air Force as a physician and surgeon in service to both the Reserve and Active Duty Forces. This career was distinguished by 17 years of superb officer proficiency ratings as well as the granting of two Meritorious Service Medals.
2. I entered the USAF in 1972 following graduation from [REDACTED] and Surgeons and five years of surgical training within the [REDACTED] system. From 1972-1974 I was chief of the surgical service and professional services at [REDACTED] hospital. I then entered the private practice of surgery in [REDACTED] New York where I served as the chief of a large department. I maintained my commission and served in the active reserves from 1982-1990 at [REDACTED].
3. As a reservist I was active beyond all requirements and commuted on a regular basis from [REDACTED] N.Y. Each and every year I exceeded the required duty time by many hours. I assisted the surgeons at [REDACTED] in the performance of demanding surgical procedures and mentored the younger physicians. Despite having an invalid wife and an autistic child, I served two overseas urgent manning assignments and regularly attended professional meetings as well as field training sessions. I was promoted to the rank of Lt. Col.
4. In 1990 I re-entered the active duty service. I was assigned to [REDACTED] AFB as [REDACTED]. My term at [REDACTED] was professionally and militarily successful. Again, I mentored young physicians and was instrumental in setting up one of the first laparoscopic surgical departments in the military. During Desert Storm I was one of the few physicians remaining at [REDACTED] and despite offers to the contrary by my superiors to close the surgical department, I maintained the surgical services as before thus saving the Air Force many thousands of dollars. For a period of 6 months I was on call 24 hours a day. For this service as well as the afore mentioned laparoscopic achievements I was awarded a Meritorious Service Medal.
5. In 1993 I was transferred to [REDACTED] and remained there for a period of three years performing countless procedures and serving as a member of the senior

staff. I left Luke and the active duty in the spring of 1995 to enter private practice and the Reserves. I was awarded my second meritorious service medal for my contribution to the education of the more junior physicians.

6. I served as a senior attending surgeon in a hospital based medical group in ██████████ for a period of one year at which time the group that had recruited me was dissolved. I was welcomed back into the active duty of the USAF and accepted a position at ██████████ despite having been offered a commission as an O-6 officer in the Navy Medical Corps. In March of 1996 My Autistic 15 year old daughter and I moved to ██████████ Texas and I began practice as the chief of surgery of the ██████████. This was to be my final assignment in the Air Force Medical Corp that I loved. Within a few months of my commencing service at ██████████ my assessment of the existent surgical service lead me to recommend to the commander, ██████████, that the service be closed and repaired. What followed can best be described as madness as my military and professional life was destroyed by a witch hunt that ensued. I enclose a letter written to the ██████████ a year ago, and unanswered, that speaks to the ruinous affair. In the letter I spell out to the Colonel the facts as they relate to my resignation from the Air Force. What aren't included in the letter are the details of my rapidly declining health during this time period. Prior to my discharge I was diagnosed as a type 1 insulin dependent diabetic. To the amazement of my ADC and myself I was evaluated by a medical board and returned to full active duty rather than being medically retired. 18 months after my involuntary resignation I was declared totally disabled by both the Veterans Administration and by Social Security citing both the aggressive diabetes as well as a rare form of arthritis. In 2001 I underwent a hip replacement and remain totally disabled.

7. The events that transpired at ██████████ have haunted me daily. I have been advised by both my military and civilian counsels to seek redress against the Air Force and the commander for the damage to my medical career and previously sterling reputation. Health and financial circumstances mitigated against such litigation. At this point in my life I seek administrative correction of the military and professional record of which I am justifiably proud. I have applied to the Board for Correction of Air Force Records for review of the agonal events that occurred at ██████████ and have offered to appear anywhere and anytime and to swear under oath as to the truth of the testament made by me and to the Colonel. They have courteously directed me to your board as a first step in the reconstruction of my life. I wish only to have my discharge properly re-defined as honorable in recognition of my many years of outstanding service, and an annotation in my final military records as to the baseless nature of the allegations made against me. Then, and only then, will I be able to put this sordid business to rest. I further pray that no other professionals have been so completely and utterly destroyed by such vicious and baseless allegations.

██████████



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH WING (ACC)
DYESS AIR FORCE BASE, TEXAS

FD2004-00078

23 December 1996

MEMORANDUM FOR Lieutenant Colonel [REDACTED]

FROM: CC

SUBJECT: Notification of Action Initiated Under AFI 36-3206, Chapter 3, Paragraph 3.6.4

1. I am initiating action against you under AFI 36-3206, chapter 3, paragraph 3.6.4.

2. I am taking this action because of your serious and recurring misconduct punishable by military or civilian authorities. Specifically:

a. At or near [REDACTED] Air Force Base, Texas, on or about 31 July 1996, you behaved with disrespect toward [REDACTED] your superior commissioned officer, then known by you to be your superior commissioned officer, by stating in front of enlisted personnel that [REDACTED] was "an uptight bastard," or words to that effect. This behavior constitutes a violation of Article 89, Uniform Code of Military Justice.

b. You, who knew or should have known of your duties, at or near [REDACTED] Air Force Base, Texas, from on or about 30 April 1996 to on or about 31 August 1996, were derelict in the performance of those duties in that you negligently failed to wear a mask in restricted areas of [REDACTED] Hospital, as it was your duty to do. This dereliction constitutes a violation of Article 92, Uniform Code of Military Justice.

c. You did, at [REDACTED] Air Force Base, Texas, from on or about 30 April 1996 to on or about 31 August 1996, maltreat [REDACTED] persons subject to your orders, by making inappropriate comments, to wit: "You know what I could go for - a martini and a good piece of ass," "I really needed some chest," "Are any of them as good looking as you," "God, I'm horny," "I'm incredibly sexy," "Always glad to help out the best looking nurse in the hospital," or words to that effect, which, under the circumstances, constituted conduct unbecoming an officer and gentleman in violation of Article 133, Uniform Code of Military Justice.

d. You did, at [REDACTED] Air Force Base, Texas, from on or about 30 April 1996 to on or about 31 August 1996, [REDACTED] a person subject to your orders, by unlawfully touching her shoulders and waist with your hands, which, under the circumstances, constituted conduct unbecoming an officer and gentleman in violation of Article 133, Uniform Code of Military Justice.

e. You did, at [REDACTED] Air Force Base, Texas, from on or about 30 April 1996 to on or about 31 August 1996, maltreat [REDACTED] and [REDACTED] persons subject to your orders, by wrongfully addressing them with inappropriate terms, to wit: "lover," "sweetie," "honey," "beautiful," "darling," and "cutie," or words to that effect, which, under the circumstances, constituted conduct unbecoming an officer and gentleman in violation of Article 133, Uniform Code of Military Justice.

f. You did, at [REDACTED] Air Force Base, Texas, from on or about 30 April 1996 to on or about 31 August 1996, while on duty, make disparaging comments about patients, coworkers, and medical duties in the presence of enlisted personnel, to wit: "titty examination," "come and look at this asshole with me," "so long as it's not on his dick - those are gross," "is that smell her appendix or pussy," "ignorant black nurse," and "incompetent pregnant nurse," or words to that effect, which, under the circumstances, constituted conduct unbecoming an officer and gentleman in violation of Article 133, Uniform Code of Military Justice.

Global Power for America

The least favorable character of discharge that the Secretary of the Air Force may approve in this case is under other than honorable conditions. Attached is a copy of documentary evidence to support this action.

3. Sign and date the attached memoranda of acknowledgment immediately upon receiving this notification memorandum. Give one copy of the acknowledgment memorandum to the officer presenting this notification memorandum to you. If you decline to acknowledge receiving this notification memorandum, the officer presenting it to you will show on it the date and time that you declined to acknowledge receiving it. The notification and acknowledgment memorandum will be a part of your case file.

4. Familiarize yourself with AFI 36-3206, particularly the rights that you have and the actions that the MAJCOM may take on receipt of your reply to the action initiated. Contact your Defense Counsel, [REDACTED], 550 D Street W, Suite 3, Randolph AFB, TX 78150, Commercial [REDACTED] to discuss the procedures involved and your rights and options. If you decline counsel, contact [REDACTED], DPM, 417 3rd Street, [REDACTED] AFB, TX 79607, Commercial [REDACTED], for counseling about your rights and options. If you do not take action or respond as specified in the following paragraphs, the MAJCOM will proceed with further action under AFI 36-3206.

5. Within 10 calendar days after you receive this notification memorandum, indorse it directly to HQ ACC/JAM, 114 Douglas St, Ste 114, Langley AFB VA 23665-2774. HQ ACC will proceed with further action under AFI 36-3206 if it does not receive the indorsement within the allotted time. Include in your indorsement:

a. A statement of whether you want to comment or submit documentary evidence that you want considered in evaluating your case. Attach any statements or documentary evidence. 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. If you have requested more time to respond to the action initiated, attach a copy of your request.

b. A statement that [REDACTED] counseled you and that you fully understand your rights and options in this action. If you declined counsel, so state and indicate that [REDACTED] 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 have not 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 HQ ACC, will make findings and recommendations concerning the validity of your indebtedness. See AFI 36-3206, paragraph 4.37, regarding special rules for recoupment.

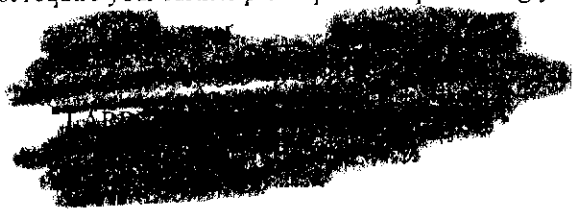
d. A statement notifying me whether you intend to apply for retirement or tender your resignation. If you have applied for retirement or tendered your resignation, attach a copy of the retirement application or the resignation.

e. A statement that circuit defense counsel or the Chief, Military Personnel Flight, explained separation pay to you and that you understand the eligibility criteria to receive separation pay.

6. 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.

7. Action under AFI 31-501 is not required.

8. You may request excess leave if the Air Force does not require your further participation in processing your case.



Attachments:

1. 7 MDG/CC Memo, dated 23 Dec 96 (w/out Atch 2)
 - a. AF Form 3070, dated 18 Dec 96, w/atc
2. AFI 36-3206
3. AFI 36-3207
4. Letter of Acknowledgment (2 copies)

[REDACTED]

1/29/03

[REDACTED]

Five years have passed since my unceremonious discharge from the Air Force and I am living a quiet life, retired and medically disabled in [REDACTED]. My children have done well, and I am married to my love of many years ago. We have a great marriage. I look back on a long and distinguished medical career of which I can be justifiably proud. I was a superb surgeon, a knowledgeable, kind and giving physician, and served my community and the military well. Despite all of this, I am haunted by the extraordinary events that occurred while I was stationed at [REDACTED] and under your command. I am re-appealing my discharge to the Air Force, and it is now time to communicate directly with you. It is time that you were assessed of that which actually took place at [REDACTED] and that which did not occur. I will leave it up to your conscience as to whether you which to correct and repair some of the damage that your actions visited upon me.

As I look back upon the whole, hideous affair, the most extraordinary event that took place is an event that never took place. At no time during the many months that were consumed by this nonsense did you ever sit down with me and ask me whether I was in any way guilty of that which I was charged. Not only was this totally unprofessional, but it was the one action which might have called a halt to that which was to follow. Rather, you chose to treat me with utter disdain despite my superb military record, my professional reputation, and the discovery that my health was failing. I was a single parent, trying to deal with the responsibility of caring for my autistic child, and dealing with the real facts of my tenuous health. [REDACTED], I will now reveal to you that which occurred at [REDACTED].

In June of 1997 I appeared in your office with [REDACTED] to inform you of the conditions in the operating room and on the ward at [REDACTED]. The negligent and ignorant acts of several individuals had nearly cost the life of one of my patients. In truth, the operating room at [REDACTED] was a shambles. It was staffed by individuals who had little every day experience, and certainly no motivation. They came and went as they pleased, inconvenienced only slightly by the sparse OR schedule. They appeared to have no direction from their supervising officer, as attested to by his being rified rather unceremoniously. My suggestion to you was to close down the OR pending review of the conditions both there and on the ward. Having 28 years of experience, both in civilian life as chief of a large department, and in the military, I knew of what I spoke. I was horrified by the conditions, and felt a responsibility to affect corrective action. You took no actions in response to my concerns. [REDACTED] addressed several of the issues that I had raised, and some minimal steps were instituted to address the issues.

Concurrently, I was asked to see a patient in the emergency room who had been treated by one the of family practice physicians for a peri-orbital insect bite with anti-histamines. In fact, this young woman had advanced peri-orbital cellulitis and was in

grave danger. I drained the abscess in the emergency room and admitted her to my service for careful observation and intravenous antibiotics. Her primary physician became enraged and convinced the patient to file a complaint. God knows why. A few years later this same physician succeeded in having [REDACTED] privileges suspended in view of another questionable call on her part. I testified for [REDACTED] at his credentials hearing and thankfully was able to protect him from the charges against him. [REDACTED] had become a very dangerous place for physicians.

You instigated what my ADC characterized as a witch-hunt against me. You sent [REDACTED] into the hospital population to seek any unfavorable criticisms by hospital personnel against me, and he found persons only too willing to complain, or individuals who were so intimidated by you that they volunteered descriptions of certain actions by me. This included my placing my hand on the arm of a civilian nurse and asking her to accompany me as I made rounds in the ward. This resulted in the incredible charge of assault. The nurse later refused to testify against me. I attempted to change the policy of gowning in the minor surgery room, I was the chief of surgery, and this resulted in my being charged with dereliction of duty. And then there was the issue of sexual harassment, and who should appear as my prime accuser, [REDACTED]. This woman had a small ranch north of town where at the suggestion of [REDACTED] boarded my old horse. The horse was at her ranch for several months without incident when I decided to move her for three reasons. 1. They were starving the horse. 2. It was an inconvenient distance from my house and 3. I was warned that she had a history of dangerous behavior. I moved the horse with the simple explanation that it was simply too far from my home and this she appeared to accept. At no time did I have anything but the most superficial contact with this woman, but apparently in retribution for my action with my horse, she came forward accusing me of all kinds of inappropriate behavior including touching her breasts. I mention this specifically because she had accused a Lt Col., while stationed in Turkey, of the same offence apparently in retribution for some minor event. I believe that this ended his career. The remainder of the few charges against me were trivial, out of context, and in all instances totally innocent. Thus, when I was brought in front of you and told that I was being charged with various offences I was aghast. The remaining many months were a nightmare. I was assigned an ADC, [REDACTED] from Randolph, who, upon investigating the charges and dismissing their veracity was incredulous. You inappropriately suspended my medical credentials without cause, only to reinstate them upon request of my attorney, and I was left utterly alone to care for my child with no support.

I was subjected to some sort of hearing. I sat listening to the JAG and my accusers, totally stunned by the nonsense that was presented and the perjures testimony by [REDACTED]. My JAG assured me that I would have an opportunity to rebut all charges, and this I did in a response presented to [REDACTED] in your presence. I defended myself honestly, and completely. I had done nothing to deserve the treatment that [REDACTED] the JAG, and you sir visited upon me. Again, at no time did you have the decency to sit down with me and discuss my predicament. In fact, at a meeting that I had with you in the presence of my civilian attorney and [REDACTED] I placed a coffee cup on the corner of your desk. At a meeting with [REDACTED] he informed me that this was an act of insubordination. This the depth to which the situation had sunk. In a meeting with the JAG, I informed her of [REDACTED]'s blatant perjury. I was ignored. A [REDACTED] had

committed a felonious act against a Lt. Col. and it was brushed aside. My ADC was powerless.

Upon the recommendation of higher ups I was given An article 35. It was the advice of ██████████ to accept the article as it was apparent that this whole affair, regardless of its veracity, had assumed a life of it's own. Indeed, the ██████████ held my case up to the wing as an example of sexual harassment. I was advised that ██████████ was seeking my discharge, and that in order to protect myself, right or wrong, I should resign. This I did and my offer was accepted. The discharge was held up for months over a medical board issue that caused me to be examined by an endocrinologist at WHMC who diagnosed the type 1 diabetes. In the interim, the credentials that had been inappropriately suspended by you were reinstated. Despite this, I never performed surgery again. In view of our victory over the credentials, and with the knowledge that I had been falsely and maliciously prosecuted, my ADC attempted to withdraw my resignation. He went to the extreme of appealing my case to the Sect. of the Air Force, at peril to his career. This fell on deaf ears and on or about 18 August I was discharged from the Air Force, my medical career and health in ruins, and with no means of support for myself or my child. Eighteen months later I was declared totally disabled by the VA.

██████████ at no time during my 18 month tenure at ██████████ did I ever see you display any evidence of compassion, understanding or even a modicum of courtesy, civility or humanity. You treated an experienced surgeon of sterling reputation, and the father of three fine children with nothing but derision. I am only comforted by the fact that you must have some sense of decency and some guilt surrounding that which you inflicted upon me. Perhaps I should draw no such comfort.

At this point in time the ball is in your court. If you wish to offer your help in restoring credibility to my military record you may contact me at the above address. I'm sure that some way can be found to right the wrongs done to me and preserve your own reputation. If not, the affair will remain my reoccurring nightmare and you will go on as before. My comfort remains my innocence and my pride in being an officer and a gentleman.

