

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> SSGT	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</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	UOTHC	OTHER	DENY
[REDACTED]	X				
[REDACTED]	X				
[REDACTED]					X
[REDACTED]	X				
[REDACTED]	X				

<b>ISSUES</b> A94.12	<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> 20 Jul 2004	<b>CASE NUMBER</b> FD-2004-00161	
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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.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>INDORSEMENT</b>		<b>DATE: 7/20/2004</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**

CASE NUMBER

FD-2004-00161

**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.  
The discharge is upgraded to Honorable.

The Board finds that the evidence of record does substantiate an impropriety that would justify a change of discharge.

**ISSUE:** The applicant contends that his commander based his decision solely on personal prejudices and feelings he had toward the applicant and his wife. The applicant also claimed that his commander inappropriately used hearsay and opinion in a letter wrote to the Medical Evaluation Board. The Board reviewed the entire record and found evidence of an impropriety in this case on which to base an upgrade of discharge. The records indicated the applicant received two Articles 15, a Letter of Reprimand, and a Letter of Individual Counseling. His misconduct included being unavailable for recall, damaging an AAFES fuel pump nozzle by driving away, inflicting injury to self, feigning illness to avoid duty, and disobeying a lawful order. The records indicated that the applicant was hospitalized twice during this time for a period of approximately two weeks each time for Major Depression and Adjustment disorder, respectively. During this time, the applicant's commander inappropriately used hearsay and opinion in a letter he wrote to the Medical Evaluation Board. The applicant then made an Inspector General complaint against his commander. His allegation of inappropriate use of hearsay and opinion was substantiated by the Base Inspector General office as evidenced by a letter sent to the applicant by the Wing Commander. The letter was dated on the day of the members discharge. The Board opined that the commanders arbitrary and capricious command action constituted a clear abuse of authority and may have contributed to the decision to discharge and characterization of service.

**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 discharge.

Attachment:

Examiner's Brief

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

[REDACTED]  
[REDACTED]  
(Former SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Wright-Patterson AFB, OH on 29 Mar 00 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Sep 70. Enlmt Age: 20 3/12. Disch Age: 29 6/12. Educ: HS DIPL. AFQT: N/A. A-77, E-72, G-80, M-73. PAFSC: 6F071 - Financial Management Craftsman. DAS: 4 Feb 97.

b. Prior Sv: (1) AFRes 31 Dec 90 - 3 Jan 91 (3 days) (Inactive).

(2) Enlisted as A1C 4 Jan 91 for 4 yrs. Extended 31 Aug 93 for 11 months. Extended 8 Mar 94 for 12 months. Svd: 3 yrs 8 months 21 days, all AMS. SrA - 4 May 93. EPRs: 5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 26 Sep 94 for 6 yrs. Svd: 5 Yrs 6 Mo 3 Das, all AMS.

b. Grade Status: SSGT - 1 Jul 96.

c. Time Lost: None.

d. Art 15's: (1) 23 Feb 00, RAF Mildenhall, England - Article 92. You, having knowledge of a lawful order issued by [REDACTED] to remove your Battle Dress Uniform (BDU) shirt, an order which it was your duty to obey, did, on or about 14 Feb 00, fail to obey the same by wrongfully refusing to remove your BDU shirt, and stating to [REDACTED] "I'd rather not", or words to that effect. Suspended reduction to SrA, forfeiture of \$200.00 pay per month for 2 months. (Appeal/Denied) (No mitigation)

(2) 10 Apr 99, RAF Mildenhall, England - Article 109. You did, on or about 23 Mar 99, wrongfully damage a fuel pump nozzle by driving away from the fuel pump with the nozzle still attached to your vehicle, the amount of said damage being in the sum of about \$240.00, the property of the Army Air Force Exchange Service (AAFES). Suspended reduction to SrA. (No appeal) (No mitigation)

e. Additional: LOR, 16 FEB 00 - Inflicting injury to self and feigning illness to avoid duty and further military service.

LOC, 30 JUN 98 - Unavailable for recall.

f. CM: None.

g. Record of SV:	27 Apr 94 - 26 Apr 95	Hurlburt Field	4	(Annual)
	27 Apr 95 - 26 Apr 96	Hurlburt Field	5	(Annual)
	27 Apr 96 - 09 Jan 97	Hurlburt Field	3	(CRO)
	10 Jan 97 - 09 Jan 98	RAF Mildenhall	4	(Annual)
	10 Jan 98 - 31 Oct 98	RAF Mildenhall	5	(CRO)
	01 Nov 98 - 31 Aug 99	RAF Mildenhall	4	(CRO)

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

i. Stmt of Sv: TMS: (9) Yrs (3) Mos (4) Das  
TAMS: (9) Yrs (2) Mos (26) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Apr 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. AF Form 100.
3. DD Form 214.
4. Medical Board Review.
5. AF Form 102.
6. Commander Directed Investigation.
7. AF Form 418.
8. UIF Summary.
9. Article 15, 10 Apr 99.
10. BXTRA Receipt.
11. Enlisted Performance Reports.
12. Four Letters of Appreciation.
13. Award Nomination.
14. Three Certificates of Commendation and Appreciation.
15. MFR, 15 Feb 00.
16. LOR, 15 Feb 00 and Response.
17. Article 15, 23 Feb 00, Response, and Appeal.
18. JA Response to Article 15 Appeal.
19. Notification Memorandum.
20. LOC, 30 Jun 98.
21. UIF Summary.
22. Conditional Waiver of Board Hearing Under AFI 36-3208.
23. Privacy Act Statement.

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