

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES A93.23	INDEX NUMBER A67.90	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 19 Aug 2004	CASE NUMBER FD-2004-00167	
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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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

INDORSEMENT		DATE: 8/19/2004
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-2004-00167

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: 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 discharge.

ISSUES: Applicant contends discharge was inequitable because of medical reasons tied to mental stress. AFI 36-3208 states that discharge for applicants with mental disorders is not appropriate, if their record supports a discharge for misconduct or unsatisfactory performance. The records indicated the applicant received an Article 15, three Letters of Reprimand and two Letters of Counseling for dereliction of duty and disrespect towards others. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Whiteman AFB, MO on 10 Oct 03 UP AFI 36-3208, PARA 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Dec 83. Enlmt Age: 17 7/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-84, E-45, G-82, M-47. PAFSC: 4Y031 - Dental Assistant Apprentice. DAS: 15 Oct 02.

b. Prior Sv: (1) AFRes 27 Jul 01 - 25 Feb 02 (7 months)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Feb 02 for 4 yrs. Svd: 1 Yrs 7 Mo 15 Das, all AMS.

b. Grade Status: A1C - 26 Jun 03
Amn - 26 Aug 02

c. Time Lost: None.

d. Art 15's: (1) 10 Jul 03, Whiteman AFB, MO - Article 92. You, who knew of your duties, on or about 15 Jun 03, were derelict in the performance of those duties in that you willfully failed to perform duties as a Traffic Control Sentry, as it was your duty to do. Article 86. You, did, on or about 15 Jun 03, without authority, go from your appointed place of duty. Suspended reduction to Airman. Fofeiture of \$150.00 pay per month for two months, and 15 days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 18 AUG 03 - Disrespect to an NCO.
LOC, 13 AUG 03 - Poor attitude, failure to follow directions, disrespect to an SNCO, and misuse of government property.
LOC, 23 JUL 03 - Rude behavior.
LOR, 09 JUL 03 - Dereliction of duty.
LOR, 07 JUL 03 - Dereliction of duty.

f. CM: None.

g. Record of SV: 26 Feb 02 - 23 Sep 03 Whiteman AFB 1 (Cmdr Dir)REF

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (14) Das
TAMS: (1) Yrs (7) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Apr 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

None.

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(FD 2004-00167)

**DEPARTMENT OF THE AIR FORCE
509TH MEDICAL GROUP (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI**

7 Oct 03

MEMORANDUM FOR [REDACTED]

FROM: 509 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline and a mental disorder. The authorities for this action are AFPD 36-32 and AFI 36-3208, paragraph 5.50.2 and AFPD 36-32 and AFI 36-3208, paragraph 5.11.9. If my recommendation is approved your service will be characterized as under honorable (general) conditions.

2. My reasons for this action are:

Mental Disorder:

a. An evaluation at the Offutt AFB Life Skills Support Center revealed that you are suffering from Axis I: Adjustment Disorder with Mixed Disturbance of Emotions and Conduct and from Axis II: Personality Disorder NOS (Avoidant and Dependent Traits). A Life Skills Clinical Psychologist has determined your disorder to be so severe that your ability to function effectively in the military environment is significantly impaired. This diagnosis is evidenced by a memorandum from a Life Skills Licensed Clinical Psychologist of Mental Health dated 25 Aug 03. (Atch 1a)

Misconduct:

b. On or about 15 Jun 03, you were derelict in the performance of your duties and left your appointed place of duty without authority. For these incidents, you received an Article 15, dated 10 Jul 03. Additionally, an Unfavorable Information File was established. (Atch 1b)

c. On or about 18 Aug 03, you were disrespectful to a noncommissioned officer. For this misconduct, you received a Letter of Reprimand dated 18 Aug 03. (Atch 1c)

d. On or about 11 Aug 03, you were disrespectful to a noncommissioned officer and misused government property. For these incidents, you received a Letter of Counseling dated 13 Aug 03. (Atch 1d)

e. On or about 17 Jul 03, you were disrespectful to a cashier at the Ozark Dinning Facility. For this misconduct, you received a Letter of Counseling dated 23 Jul 03. (Atch 1e)

f. On or about 08 Jul 03, you were derelict in the performance of your duties. For this misconduct, you received a Letter of Reprimand dated 09 Jul 03. (Atch 1f)

g. Between on or about 23 Jun 03 and on or about 27 Jun 03, on divers occasions you were derelict in the performance of your duties. For this misconduct, you received a Letter of Reprimand dated 07 Jul 03. (Atch 1g)

3. This action could result in your separation with an under honorable (general) conditions discharge. The commander exercising special court-martial convening authority or a higher authority will make the final decision in this matter. If you are discharged you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. Any special pay, bonus or education assistance funds may be subject to recoupment.

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 Area Defense Counsel in Bldg 509 on 8 Oct 03 at 1000. You may also 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 10 Oct 03 / 1430 unless you request and receive an extension for good cause shown. I will forward your statements 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 rights to do so.

7. You have been scheduled for a medical examination. You must report to Family Practice at 1100 on 9 Oct 03 for the examination.

8. Any personal information you furnish in rebuttal is protected by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in your unit's Orderly Room.

9. Execute the attached acknowledgment and return it to me immediately.



Col, USAF

Commander

Attachments:

1. Supporting documents for the reason for discharge
 - a. Memorandum from Life Skills Clinical Psychologist, dated 25 Aug 03
 - b. Article 15/ UIF, dated 10 Jul 03
 - c. LOR, dated 18 Aug 03
 - d. LOC, dated 13 Aug 03
 - e. LOC, dated 23 Jul 03
 - f. LOR, dated 09 Jul 03
 - g. LOR, dated 07 Jul 03
 - h. 509 MDOS/CC Memorandum, dated 07 Oct 03

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2. Documents containing derogatory information which are not listed in the notification memorandum: None.

3. Airman's receipt of notification memorandum, dated 7 Oct 03.