

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AB

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

X

MEMBER SITTING

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES

A01.05

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

10 Aug 2004

CASE NUMBER

FD-2004-00170

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: 8/10/2004

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-2004-00170

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

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 and change of reason and authority for discharge are 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.

ISSUE: Applicant contends discharge was inequitable because his medical conditions were not properly evaluated. The records indicated the applicant received two Article 15s, one Letter of Reprimand and three Records of Individual Counseling for 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. In regards to the applicant's concern about stated medical issues, records indicated the applicant was not cooperative during his Track 3 alcohol rehabilitation program and was appropriately characterized as a failure in the program. Furthermore, transiently elevated fasting blood sugars identified during his discharge physical assessment by his AF Endocrinologist did not warrant a Medical Evaluation Board before discharge and the member was appropriately cleared for separation. These medical issues would not make the applicant unfit and thus are not inequities when considering this discharge action. 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]
(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Keesler AFB, MS on 1 Mar 91 UP AFR 39-10, para 5-47b (Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge and a Change in Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 8 Jul 71. Enlmt Age: 17 10/12. Disch Age: 19 7/12. Educ: HS DIPL. AFQT: N/A. A-83, E-77, G-68, M-49. PAFSC: 90210 - Medical Services Helper. DAS: 18 Apr 90.

b. Prior Sv: (1) AFRes 13 May 89 - 7 Aug 89 (2 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Aug 89 for 4 yrs. Svd: 1 Yrs 6 Mo 22 Das, all AMS.

b. Grade Status: AB - 19 Sep 90 (Vacation of Article 15, 4 Jan 91)
Amn - 8 Feb 90

c. Time Lost: None.

d. Art 15's: (1) 4 Jan 91, Keesler AFB, MS - Article 92. You, having knowledge of a lawful order issued by me [REDACTED] to complete the required four AA (Alcoholics Anonymous) meetings/sessions by 15 Dec 90, an order which it was your duty to obey, did, on or about 15 Dec 90, fail to obey the same. Article 86. You did, on or about 18 Dec 90, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to AB. (No appeal) (No mitigation)

(2) 19 Sep 90, Keesler AFB, MS - Article 86. You did, on or about 2 Sep 90, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to AB. Fourteen days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 03 DEC 90 - Failure to go.
RIC, 28 NOV 90 - Late for duty.
RIC, 23 NOV 90 - Failure to go.
RIC, 06 MAY 90 - Late for duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (17) Das
TAMS: (1) Yrs (6) Mos (22) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 May 04.

(Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

Issue 1: I believe my discharge was inequitable because not only was I diagnosed as being a diabetic, but after speaking with the social actions person, I was misdiagnosed as a problem drinker when I was an alcoholic. I don't feel proper action was taken pertaining to either medical conditions. We know alcoholism is a disease.

ATCH

None.



FD 2004-80178

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS KEESSLER TECHNICAL TRAINING CENTER (ATC)
KEESSLER AIR FORCE BASE MS 39534-5000

REPLY TO
ATTN OF: KTTTC/SGQ

18 JAN 1991

SUBJECT: Letter of Notification

TO: [REDACTED]
USAF Medical Center

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good or discipline. The authority for this action is AFR 39-10, paragraph 5-47b. 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 reasons for this action are:

a. You failed to go, at the time prescribed, to your appointed place of duty, to wit: 4 1/2 hours late for work on 2 May 90, for which you were counseled on 3 May 90.

b. You failed to go, at the time prescribed, to your appointed place of duty, to wit: Ward 5A, Pediatric/Adult Minor Surgery Unit, Bldg 0468 on 2 Sep 90, for which you were administered an Article 15 on 19 Sep 90. Punishment imposed was suspended reduction to the grade of airman basic until 18 Mar 91 at which time it will be remitted without further action unless sooner vacated, and fourteen days extra duty.

c. You were derelict in the performance of your duty, to wit: failed to enroll in the mandatory Direct Deposit Program after having been notified to do so on 3 separate occasions, for which you were verbally counseled on 27 Sep 90.

d. You failed to go, at the time prescribed, to your appointed place of duty, to wit: 30 minutes late for work on 23 Nov 90 and 1 hour late for work on 25 Nov 90, for which you were counseled on 28 Nov 90.

e. You failed to attend the 4 required AA meetings which was mandated as part of your alcohol rehabilitation program, for which you were counseled on 23 Nov 90, reprimanded on 3 Dec 90, and an Unfavorable Information File established, for the same.

f. You failed to go, at the time prescribed, to your appointed place of duty, to wit: mandatory CPR training on 20 Dec 90, for which you were counseled on 21 Dec 90.

g. You failed to go, at the time prescribed, to your appointed place of duty, to wit: 1 hour and 15 minutes late for work on 18 Dec 90, and failed to attend your alcohol rehabilitation meetings in a timely manner, for which you were verbally counseled and your Article 15 suspension was vacated on 4 Jan 91.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander, 3380 Air Base Group, Keesler Air Force Base, Mississippi, 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 [REDACTED] at Bldg 0701, Room 124, on 18 JAN 91 at 0930 hours. 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 24 JAN 91 at 0900 hours 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 medical examination. You must report to the USAF Medical Center, Keesler, at 0700 hours on 22 JAN 91 for the examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Attachment 6. A copy of AFR 39-10 is available for your use from your case worker.

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

8 Atch

1. Airman's Acknowledgement
2. AF Form 174, 3 May 90
3. AF Form 3070 w/atchs, 19 Sep 90
4. DDP Letter w/atchs, 27 Sep 90
5. AF Form 174, 28 Nov 90
6. AF Form 1058 w/atchs, 3 Dec 90
7. CPR Letter, 3 Dec 90
8. AF Form 366, 4 Jan 91