

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

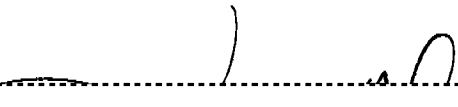
ISSUES A67.10	INDEX NUMBER A92.15 A93.07	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
		4	BRIEF OF PERSONNEL FILE
			COUNSEL'S RELEASE TO THE BOARD
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
			TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE 01 Dec 2004	CASE NUMBER FD-2004-00196
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APPLICANT'S ISSUE AND DECISION DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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.



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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

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

The applicant was offered a personal appearance before the Discharge Review Board 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 applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issue 1. Applicant was discharged for minor disciplinary infractions. During his second enlistment his misconduct included numerous instances of being late to work, a dress and appearance violation, financial irresponsibility, an unsatisfactory performance. At the time of the discharge, applicant consulted counsel and submitted a waiver of his right to an administrative discharge board hearing conditioned upon receipt of no less than a general discharge. The request was approved. Member waived his right to submit any additional statements in his own behalf. Applicant now contends his former wife created hardships for him that led to their divorce, and which caused him to be depressed and resulted in his misconduct. Although the record does reflect that member was seen at the mental health clinic and was diagnosed with an adjustment disorder with mixed emotional features, including depression, as well as immature and impulsive behavior, the board found this of insufficient mitigation or extenuation to explain member's misconduct. The applicant's problems were not unique, and his diagnosis was not one that indicated he was unable to perform his duties or adhere to standards. Thus the Board concluded that member was responsible for his actions of misconduct and was held accountable for those. He was counseled repeatedly and given numerous opportunities to improve his behavior but failed to respond to those rehabilitative efforts. Because member was apparently unable to separate his personal problems from his duties, he became an administrative burden to his unit. No inequity or impropriety was found in this discharge in the course of the records review.

Issue 2. Applicant cited he received a good conduct medal and a letter of appreciation while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports and other accomplishments. His last Enlisted Performance Report was an overall referral "2" that documented his loss of initiative and productivity, and marginal performance. He had also had his noncommissioned officer status vacated. The Board found the seriousness of the applicant's willful misconduct and these negative aspects of his record offset any positive aspects of his duty performance. The Board concluded the discharge was appropriate for the reasons which were its basis.

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 SrA) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Langley AFB, VA on 14 Jan 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 Jun 66. Enlmt Age: 18 2/12. Disch Age: 24 6/12. Educ: HS DIPL. AFQT: N/A. A-34, E-60, G-50, M-81. PAFSC: 45450A - Aerospace Propulsion Specialist. DAS: 15 Nov 85.

b. Prior Sv: (1) AFRes 8 Sep 84 - 30 May 85 (8 months 23 days) (Inactive).

(2) Enlisted as AB 31 May 85 for 4 yrs. Svd: 3 yrs 9 months 16 days, all AMS. AMN-(APR Indicates): 31 Mar 85-30 May 86. A1C - 30 Sep 86. SrA - 31 May 88. APRs: 9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 20 Mar 89 for 6 yrs. Svd: 1 Yrs 9 Mo 25 Das, all AMS.

b. Grade Status: SrA - 11 Jun 90 (Vacation of NCO Status)
Sgt - (APR Indicates): 31 May 88-30 May 89

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 27 NOV 90 - Late for work on three occasions.
LOR, 27 NOV 90 - Financial irresponsibility and using offensive language.

LOR, 08 JUN 90 - Late for work.

RIC, 17 MAY 90 - Late for work.

LOR, 16 APR 90 - Late for work.

RIC, 17 APR 90 - Missed training appointment.

RIC, 11 APR 90 - Late for work.

DD 1569, 23 JAN 90 - Failure to safeguard government property.

RIC, 27 OCT 88 - Late for work, haircut not within standards, and unsatisfactory performance.

f. CM: None.

g. Record of SV: 31 May 88 - 30 May 89 Langley AFB 9 (Annual)
31 May 89 - 22 Nov 89 Langley AFB 4 (CRO)

23 Nov 89 - 22 Nov 90 Langley AFB 2 (Annual)REF

h. Awards & Decs: AFTR, AFOUA, AFLSAR, AFGCM.

i. Stmt of Sv: TMS: (6) Yrs (4) Mos (7) Das
TAMS: (5) Yrs (7) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 May 04.
(Change Discharge to Honorable)

Issue 1: I was going thru hardship with first wife resulting in divorce shortly after discharge. We seperated (sic) 2/91. This led to my problem in service - bad conduct, late to duty; #3510; I had gone to Mental Health for evaluation and was diagnosed with depression - mixed Emotionsl Features and Impulsive Behavior.

This all contributed to my General Discharge. Please consider these mitigating circumstances in my appeal for upgrade to Honorable Discharge. My service record/performance was outstanding until my problem began with 1st wife.

Issue 2: I had received "letter of appreciation" from another base commander while on active duty. Also had a good conduct medal.

ATCH

1. DD Form 214.

11AUG04/ia

FD 2004-00196



DEPARTMENT OF THE AIR FORCE
1st COMPONENT REPAIR SQUADRON (TAC)
LANGLEY AIR FORCE BASE VA 23665-5000

REPLY TO
ATTN OF: CCQ

13 DEC 1990

SUBJECT: Letter of Notification - Board Hearing

TO: SrA [REDACTED]

1. I am recommending your discharge from the United States Air Force for Misconduct - Minor Disciplinary Infractions. The authority for this action is AFR 39-10, Paragraph 5-46. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

On 16, 19 and 20 Nov 90, you failed to report to your appointed place of duty at the appointed time of 0700; for which you received a Letter of Reprimand.

Between on or about 8 Jun 90 and on or about 27 Nov 90, you wrote at least eight (8) checks which were returned because you had insufficient funds in your account to cover them, for which you received a Letter of Reprimand.

On or about 17 May 90, you failed to report for work at the appointed time of 0700, for which you received a Letter of Reprimand and had an unfavorable information file (UIF) established. Additionally, your NCO status was vacated based on this incident and four (4) previous incidents.

On 17 May 90, you failed to report for work at the appointed time of 0700, for which you received written counseling.

On 11 Apr 90, you failed to report to your duty section on time and as a result missed your scheduled M-16 training, for which you received written counseling and a Letter of Reprimand.

3. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that you receive a general discharge. The commander exercising SPCM jurisdiction 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.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

Readiness is our Profession

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

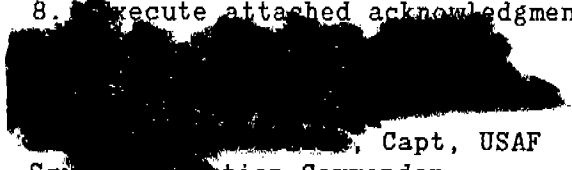
5. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at 0700 on 17 DEC for preliminary tests, and at _____ on _____ for the examination.

6. Military legal counsel has been obtained to assist you. An appointment has been scheduled for you to consult the Area Defense Counsel, Bldg 142, Phone 5607 at 0830 on 18 DEC. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFR 111-1. You may consult civilian counsel at your own expense.

7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel, who will also sign it. If you waive your right to an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to a board hearing.

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 in the unit orderly room.

8. Execute attached acknowledgment and return to me immediately.

 Capt, USAF
Squadron Commander

- 13 Atch
1. LOR, 27 Nov 90
 2. LOR, 27 Nov 90
 3. AF Form 418, 8 Jun 90
 4. LOR, 8 Jun 90
 5. AF Form 1058, 8 Jun 90
 6. AF Form 174, 17 May 90
 7. LOR, 16 Apr 90
 8. AF Form 174, 17 Apr 90
 9. MA Ltr, 16 Apr 90
 10. AF Form 174, 11 Apr 90
 11. SPAR Ltr, undated w/ atch
 12. TAC Form 27, 27 Oct 88
 13. SGHMH Ltr, 29 May 90