

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE MAJ	AFSN/SSAN [REDACTED]
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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	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.11 A93.23 A92.15 A92.21 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 09 Sep 2004	CASE NUMBER FD-2004-00238	
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APPLICANT'S ISSUES AND THE BOARD'S DECISIONAL RATIONALE 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.

[REDACTED SIGNATURE]

[REDACTED SIGNATURE]

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

CASE NUMBER

FD-2004-00238

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

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, change of reason and authority for discharge, and change of reenlistment code 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 1. Applicant tendered his resignation in lieu of further administrative discharge proceedings. The applicant's records document clear evidence of conduct totally incompatible with military service. He had multiple incidents of failure to go, making false official statements, absenting himself from his unit without authority, and was twice drunk while enrolled in an alcohol rehabilitation program. All of these incidents occurred within a 10-month period, the last two while in an alcohol rehabilitation program, as noted. It is Air Force policy that personnel who do not respond favorably to rehabilitation be considered for separation. Additionally, the applicant's misconduct was of a very serious nature and members who commit acts of misconduct, even under the influence of alcohol, are held accountable for their actions. Furthermore, the number of incidents of this severity would normally result in a service characterization of under other than honorable, but mitigating factors were taken into consideration at the time of the discharge. Member had served admirably for over 6 years before his misconduct began. Circumstances of his alcoholism, while not excusing his conduct, were also viewed as mitigating. Thus accepting his resignation allowed his service to be appropriately characterized. Accordingly, the Secretary of the Air Force's designee, who was aware of the option to approve an honorable discharge, determined that a general discharge (under honorable conditions) was more appropriate due to the seriousness and repetitive, deteriorating nature of member's misconduct. No inequity or impropriety was found in this discharge in the course of the records review.

Issue 2. Applicant contends discharge was improper and inequitable because it was too harsh. He contends his chain of command failed to properly recognize and treat his depression because discharging him was more "convenient." Applicant claims his commander overreacted to his (member's) disappointing behavior and wanted to minimize complaints and "placate" staff members by discharging him instead of treating him, thus an abuse of command authority. The commander remained un-persuaded to take another course of action. Unfortunately, applicant's medical records were unavailable to the Board for review, so it could not be ascertained whether he was offered treatment or counseling for his claimed depression, or not, and if so, what type. Nevertheless, individuals who commit acts of misconduct under the influence of alcohol and / or depression, are still held accountable for those actions. The record did not provide any substantive evidence that member was singled out. Nor did applicant offer specific evidence that each of his infractions was a result of arbitrary and capricious acts or personality conflicts. The DRB opined that through the unit's extensive rehabilitative actions, and member's multiple involvements in various alcohol rehabilitation programs, the applicant had ample opportunities to change his negative behavior and was unwilling or unable to do so. The Board concluded his repeated 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.

Issue 3. The discharge regulations clearly gave his chain of command authority to recommend administratively discharging him based on unsuitability for further military service as a result of his serious misconduct. Facts and circumstances are different in each action and must be judged on a case-by-case basis. In doing so, a commander must consider the seriousness of the misconduct and how a member's retention might affect good order, discipline, and morale, not just the member's past record of service or rehabilitative potential. They must focus on conduct during the current period of service, and also consider factors such as the member's age, length of service, grade, aptitude, and the standards of acceptable conduct and performance. The regulation provides for circumstances wherein a single incident of misconduct may provide the basis for characterizing service. It should be noted that administrative separation is an action that severs the military status of an individual and characterizes his service, but is not the same as punishment rendered by a civilian judicial proceeding or a punitive discharge rendered by a court martial. Commission of several serious offenses clearly established applicant's unsuitability for further Air Force service. All required procedures were properly followed in the applicant's case.

Issue 4. Applicant notes he was having personal difficulties resolving ethics he had learned in his legal education and while serving as a Staff Judge Advocate, and those being taught in his medical education program. The applicant failed to clearly demonstrate, however, how this stress was the cause for each of his incidents of misconduct. While it is understandable that a member experiencing personal problems has additional stress, the applicant's problems did not appear to be unique. Nor was there evidence he sought assistance from available base agencies such as the Chaplain, Family Support Center, or the Mental Health staff to assist him in coping with this stress. Thus the Board finds this issue of insufficient mitigation to warrant an upgrade.

Issue 5. Applicant states that his discharge did not adequately take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. The Board further noted that member's many laudatory accomplishments during his career had in fact been considered before final decision was rendered as to characterization of his service. The DRB recognized the fact that the applicant had served over 7 years total service before the discharge was initiated, but concluded the seriousness of the misconduct offset the positive aspects of the applicant's duty performance, then and now. The Board concluded the discharge was appropriate for the reasons which were its basis.

Issue 6 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, this does not provide a basis of inequity or impropriety on which to justify an upgrade, nor was one found in the course of the records review. The Board concluded the applicant's misconduct appropriately characterized his term of service.

If he can provide additional documented information to substantiate his issues, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity or impropriety and any exemplary post-service accomplishments as well as any other contributions to the community.

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 MAJ) (HGH MAJ)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Andrews AFB, MD on 24 Aug 02 UP AFR 36-2, Chapter 3, para 3-7d (Resignation In Lieu of Involuntary Discharge). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 19 Jan 56. Enlmt Age: 23 6/12. Disch Age: 36 7/12. Educ: Doctorate. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 09326 - General Practice Physician. DAS: 13 Jun 91.

b. Prior Sv: (1) ANG 26 Jul 79 - 6 Jun 80 (10 months 11 days) (Inactive).

(2) Appointed 2Lt in USAFRes 18 Dec 80. Ordered to active duty 24 Mar 81. Svd: 6 yrs 7 months 29 days, of which AMS is 6 yrs 4 months 23 days. 1Lt - Unknown. Capt - 24 Mar 81. Maj - 1 Jul 87. OERs: 1,1,1,1,1,1,1.

3. **SERVICE UNDER REVIEW:**

a. Ordered to EAD as Maj 13 Jun 91. Svd: 1 Yrs 2 Mo 11 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: (1) 2 Jul 92, Andrews AFB, MD - Article 86. You, did, on or about 21 Jun 92, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1050, Ward 4B. Forfeiture of \$300.00 pay per month for two months. (Appeal/Denied) (No mitigation)

(2) 13 Mar 92, Andrews AFB, MD - Article 86. You, did, on or about 20 Oct 91, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1050, as the surgery intern on-call. Article 86. You, did, on or about 0730 hours on 28 Feb 92, without authority, absent yourself from your unit, to wit: Malcolm Grow USAF Medical Center, and did remain so absent until on or about 0900 hours, 2 Mar 92. Article 133. You did, on or about 11 Nov 91, with intent to deceive, wrongfully and dishonorably make [REDACTED] a false statement, to wit: that your father had died, which statement was totally false and was known by you to be false, said conduct unbecoming an officer and gentleman. Forfeiture of \$900.00 pay per

month for two months. (No appeal) (No mitigation)

e. Additional: (Examiner's Note: The following infractions are listed in the Notification Memorandum).

1. Between o/a 30 Jul 91 & o/a 27 Aug 91 - Failure to go.
2. At divers times, between o/a 23 Oct 91 & o/a 19 Nov 91 - Failure to go.
3. Between o/a 23 Oct 91 & o/a 19 Nov 91 - False official statements.
4. On or about 11 Nov 91 - False official statement.
5. On or about 12 May 92, was, while enrolled in an alcohol rehabilitation program, drunk.
6. On or about 1 Jun 92, was, while enrolled in an alcohol rehabilitation program, drunk.

f. CM: None.

g. Record of SV: None.

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

i. Stmt of Sv: TMS: (8) Yrs (8) Mos (22) Das
TAMS: (7) Yrs (7) Mos (5) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Jun 04.

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Justification.
3. Letters & Documentation.
4. U.S. Government Service Documentation.

4AUG04/ia

June 23, 2004

SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

Re: Item 6 (Application for the review of discharge)

Dear Members of the Board:

This letter is submitted to you as an attachment to my application for the review of my discharge from the Air Force of August 24, 1992, and as Item 6 of DD Form 293.

I hereby request the Discharge Review Board (DRB) change my discharge from "General/Under Honorable Conditions" to "Honorable," change the reason for discharge to "Convenience of the Government," and change my reenlistment code. I request these changes, as I believe:

- The reason for discharge and, therefore, the characterization, were improper because of errors in fact (undisclosed and undiscovered facts including a failure to treat the depression I suffered from during my internship year) and errors in appropriate discharge procedures.
- Even if proper, the discharge reason and characterization were inequitable for not only undisclosed and undiscovered facts and errors in procedures, but also because of the nature of my service to the United States before and after the discharge.

Also included with my application are the following:

- Tab III "Supporting Letters and Documentation" -- A document entitled "Memorandum for SAF/MIB" dated 7 Aug 1992; this document summarizes the reasoning for the discharge. Apparently, SAF/MIB, then SAF/MRB, relied on this document when deciding to discharge me. I recognize the document only summarizes the AF Personnel Board's analysis of my discharge case file. Nonetheless, this document contains errors and omissions that warrant a change in the reason and character of the discharge. The author, a staff member of the Secretary of the Air Force Personnel Council, provided [this document to me with the permission of SAF/MRB.]
- Tab III "Supporting Letters and Documentation" -- Five review letters from individuals who were parties to the events of 1991-2 described in the above document and individuals who treated me after leaving the Air Force, along with letters from individuals who knew me before and after 1991-2, support my application.

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Item 6, [REDACTED]

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- Tab IV "US Government Service" -- Materials concerning my professional activities since 1992 that attest to my continuous and substantial service to the United States.
- Tab V "Community Service"-- Materials concerning my personal activities since 1992 that attest to my community involvement and service.

Impropriety

I believe the evidence I have attached shows that my discharge was based on improperly undisclosed and undiscovered facts, including a failure to treat the depression I suffered from during my internship year, improper command influence, and multiple administrative errors that prevented a fair review of the proposed discharge by anyone including SAF/MIB.

Upon review of the events of 1991-2, it appears clear [REDACTED] the Medical Center Commander, attributed my aberrant, out-of-character behavior solely to alcohol abuse and did not recognize my situational depression, of which alcohol abuse was a symptom. The attached letters from [REDACTED] as well as my father [REDACTED] are clear evidence of my depression during 1991-2, which subsequently responded quickly to proper treatment.

As I stated then, and as demonstrated by the letters attached from my subsequent treating physicians, I suffered from depression during this period. As now recognized formally, physicians are particularly likely to treat their own depression with alcohol especially when they cannot or do not receive adequate physiological treatment. (See *JAMA*, June 18, 2003; 289(23): 3161-3166.) Indeed, the approach today would be to recognize that the drinking is a reflection of the depression and to treat both as I requested in 1992. In short, rather treat me appropriately as both requested and indicated, [REDACTED] decided that discharge was more convenient.

Finally, with regard to [REDACTED] misdiagnosis in 1992, it should be noted both [REDACTED] and [REDACTED] did not believe I was a candidate for Alcohol Rehabilitation, but recommended I return to duty and be treated for depression.

I recognize my depression was aggravated by alcohol abuse. Nonetheless, my commander, [REDACTED] should have recognized this symptom of depression for what it was, since it is a somewhat common occurrence among physicians that has been more openly addressed in recent years (See *JAMA*, June 18, 2003 issue). One can speculate as to why [REDACTED] misdiagnosed my condition and decided not to treat me, but rather decided to discharge me. I suggest it may have been a combination of many factors. First, [REDACTED] in some ways was one of my mentors. (I worked for [REDACTED] at Wilford Hall Medical Center, and together we worked for [REDACTED] who urged and supported my entry into HPSP. At the time of my discharge, [REDACTED] was AF/SG.) As such, [REDACTED] may have overreacted to my behavior, which he found, at best, disappointing. Another reason was his desire to minimize complaints and placate members of his staff

[REDACTED]

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by deciding not to treat my depression, but discharge me--an improper use of his command authority as he was not my treating physician. In any event, his reaction to my depression was in error.

This second reason for my commander's decision to discharge me, rather than treat my depression, is not imagined. I draw the DRB's attention to the attached letter from [REDACTED]. [REDACTED] A [REDACTED] states in his letter, the decision made by [REDACTED] to place me in Alcohol Rehabilitation was done in part in response to my complaints about patient care. It is recognized now (See [REDACTED] November 12, 2002, page B1 "Doctors Question Use of Dead or Dying Patients for Training.") and was clear to me in 1992 that experimentation on patients without consent and the frequent disregard of patient rights was wrong, even if part of physician education. When the Board considers my depression, its causes, and its symptoms, the Board should recognize the depression was aggravated by the stress I felt in the training environment at Malcolm Grow Medical Center (MGMC). This stress grew out of the conflict between my legal education and my experiences as the medical-law consultant at the Wilford Hall Medical Center and how and what I was being taught in my medical education about this type of experimentation.

I now turn to the improper command influence and administrative errors. As [REDACTED] told my father [REDACTED] confirmed with reviewing authorities that I was to be discharged prior to the beginning of the discharge action on June 6, 1992. Having made that decision to discharge me, [REDACTED] created the discharge "package."

It appears he arranged for memos to be written well after many of the incidents of misconduct. As a result, the case file included allegations that not only were false but should have been known to be inaccurate at the time they were included in the discharge case file. For example, I did not make false statements to secure leave but rather repeated and acted on what I had been told by others (see letter from my father, [REDACTED]. I was not "AWOL from February 28 through March 2, 1992." I notified my supervisor each of the two duty days involved. There was never any mention to me about the days that I used to address the vandalizing of my car in February until the notification of discharge on June 8. There was no change of status documents issued and no disciplinary action proposed. Even the memo from my then supervisor is undated. I believe it was not written until the time the discharge package was prepared. Indeed all "memos for the record" in the discharge package were written *substantially* after the alleged events.

As for the "twice drunk in May and June 1992 while enrolled in the alcohol rehabilitation program," as noted in my letter of June 23, I completed the alcohol rehabilitation program on May 1. Therefore, I was not in the rehabilitation program at that time. I should have been in an aftercare program, which I was not. Instead, I was never discharged from the hospital and never entered the program, despite being recommended for return to duty by my treating physician. I remained isolated in the psychiatric wards and assigned to count books in the library. The fact that I remained untreated for my depression, my subsequent aberrant behavior was both predictable and avoidable.

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Moreover, although it was alleged in the memo to SAF/MIB that I failed to go to rehabilitation and made false statements, none of these events were mentioned much less presented to me for rebuttal until months after the alleged events when [REDACTED] concluded that the treatment provided (for the wrong diagnosis) was ineffective.

The failure to follow appropriate discharge procedures is evidenced in other aspects of the discharge "package." As noted in the SAF/MIB memo, until my internship at MGMC my performance had consistently been described for years as "outstanding" and "extremely outstanding." This continued at MGMC, but was not mentioned by [REDACTED]. I received at least three letters of appreciation as well as gifts from a Secret Service patient, which I still have. (See Tab III, "Supporting Letters and Documentation") Also I provided patients and staff with legal assistance and served on hospital committees as I had at Wilford Hall. Although these letters, activities and other positive feedback were well known to [REDACTED] (as he gave me one of the letters, saw the picture from the President, and served on the committees with me), these items were not mentioned in the discharge package. This unfair "padding" and unbalanced representation of my service in the discharge package was done to create the strongest possible discharge package without regard to facts or fairness.

In pointing out these irregularities in the processing of my discharge, I urge the DRB not to consider them quibbling with [REDACTED] version of events in 1991-2, but illustrating how events were "forced" to fit a predetermined, improper and inequitable result.

A reviewer of the discharge "package" in 1992 and you, members of the DRB, could correctly ask why I did not effectively mount a rebuttal and other mitigating facts in 1992. The DRB should understand that I could not adequately respond to the discharge action due to my depression. Equally important, if as [REDACTED] asserted, I was a hopeless alcoholic, he should have known I could not adequately respond to his allegations in the discharge action, especially when I was presented with many of the allegations, for the first time, long after the asserted misconduct. Although I began to respond to the action and individual allegations, it became clear to my parents after discussing my case with [REDACTED] that nothing could persuade my commander a different course of action was possible. They, therefore, persuaded me to separate from the AF as soon as possible and seek treatment for my depression elsewhere.

Inequity

Finally, I address the inequity of the reason and character of discharge based on the nature of my active duty service and my post-discharge conduct and service to society. My service was not accurately presented by the discharge "package." I have addressed the quality of my active duty service earlier in this letter. Therefore, I summarize my post-discharge conduct and service, which should provide the DRB a more thorough understanding of my performance—and, as an aside, supports the diagnosis and evidence that in 1991-2, I was suffering from situational depression, not alcoholism. As noted above, after my discharge in August 1992 I have continued to be employed by the

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Federal government. Indeed, of all the HPSP students in my medical class I am, to my knowledge, the only one still with the Federal government. I served as medical-legal advisor for the Federal Aviation Administration from 1992 until 2003 until I transferred to the Transportation Security Administration (TSA). I served several details to the Department of Transportation and Justice as well as Department of Homeland Security (DHS) including current service as member of the Coast Guard Board for the Correction of Military Records for some 6 years. I am currently the SE Area Deputy Director, Aviation Operations, for TSA with responsibility for 89 airports and 11,000 personnel with additional duties as TSA Command Duty Officer representing the TSA Administrator in the TSA or DHS Watch Centers.

During these past 11 years I have received many FAA performance awards (with special note for my service on 9/11) as well as awards from the community for my service to many organizations including with The Boy Scouts of America, Smithsonian Institution and NASA. (See Tab IV "US Government Service" and Tab V "Community Service")

As I reflect upon my years of Air Force service, I believe my coworkers and I provided unique, significant service to our country that cannot be accomplished even by work in the Department of Homeland Security. Therefore, I desire the opportunity to resume such service with the Reserves. Changing the enlistment code would aid me in that endeavor.

As stated, for all the reasons set out here and in the attached documents, I formally request the Discharge Review Board change my discharge from "General/Under Honorable Conditions" to "Honorable," change the reason for discharge to "Convenience of the Government," and change my reenlistment code.

Thank you,




DEPARTMENT OF THE AIR FORCE
MALCOLM GROW USAF MEDICAL CENTER (AMC)

6 June 92

FROM: MGMC/SG
Andrews AFB DC 20331-5300

SUBJ: Notification of Action Under AFR 36-2

TO: MGMC/SG [REDACTED]

1. I am initiating action against you under AFR 36-2, Chapter 3, paragraph 3-7d.

2. I am taking this action for the following reasons:

a. You did, at Andrews Air Force Base, Maryland, between on or about 30 July 1991, and on or about 27 August 1991, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1050, for Emergency Room duties.

b. You did, at Andrews Air Force Base, Maryland, on or about 20 October 1991, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1050, as the surgery intern on call.

c. You did, at the National Naval Medical Center, Bethesda, Maryland, at divers times, between on or about 23 October 1991 and on or about 19 November 1991, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Department of Obstetrics and Gynecology.

d. You did, at the National Naval Medical Center, Bethesda, Maryland, between on or about 23 October 1991 and on or about 19 November 1991, with intent to deceive, make to [REDACTED] an official statement, to wit: that you had been placed on quarters for illness and that your father had died, which statements were totally false and were then known by you to be so false.

e. You did, at Andrews Air Force Base, Maryland, on or about 11 November 1991, with intent to deceive and for the purpose of securing leave, make to [REDACTED] an official statement, to wit: that your father had died, which statement was totally false and was then known by you to be so false.

f. You did, at Andrews Air Force Base, Maryland, on or about 28 February 1992, without authority, absent yourself from your unit, to wit: Malcolm Grow USAF Medical Center located at Building 1050, Andrews Air Force Base, Maryland, and did remain absent until on or about 2 March 1992.

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AMC -- GLOBAL REACH FOR AMERICA

h. You were, at Andrews Air Force Base, Maryland, on or about 12 May 1992, while enrolled in an alcohol rehabilitation program, drunk.

i. You were, at Andrews Air Force Base, Maryland, on or about 1 June 1992, while enrolled in an alcohol rehabilitation program, drunk.

Attached are copies of documentary evidence to support this action. The worst possible discharge that may be approved for the reasons cited is under other than honorable conditions.

3. Familiarize yourself with AFR 36-2, particularly paragraph 4-10, which outlines the rights afforded you in this action, and paragraph 4-13, which explains the action the major commander may take on receipt of your reply to this correspondence. Contact [REDACTED] the Area Defense Counsel at 6519, to discuss the procedures involved and your rights and options. If you decline legal counsel, contact [REDACTED] at 4407, 89 MSSQ/MSP Chief, CBPO for counseling regarding your rights and options.

4. Within 15 calendar days after your receive this correspondence, you may:

a. If eligible to retire, apply for voluntary retirement to be effective on the first day of the month immediately following notification of approval by the Secretary of the Air Force. If less than 15 calendar days between the date your are notified and the first day of the month following notification, the effective date of your retirement will be the first day of the second month after notification. If you have 20 or more years of active military service but you do not have the required minimum 10 years of active commissioned service to qualify for retirement in officer status, you may apply for separation under the provisions of AFR 36-12, table 2-7, rule 1, to enlist for the purpose of retirement in the enlisted grade in lieu of further action under AFR 36-2.

b. If ineligible to retire, tender your resignation according to AFR 36-12, table 2-7, rule 1, to be effective within 10 calendar days following notification of acceptance by the Secretary of the Air Force. By tendering your resignation you will be disqualified for separation or readjustment pay if you are otherwise qualified to receive such pay. If you tender your resignation, it will be with the understanding that, if accepted, you will receive a under other than honorable conditions discharge, unless the Secretary of the Air Force determines that you will be honorably discharged.

c. Submit any written statement or other documentary evidence that you feel should be considered in evaluating your case. If you are unable to prepare your statements or documentary evidence within the

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time specified above, you may request more time as outlined in AFR 36-2, paragraph 4-12.

5. Within 15 calendar days after you receive this letter, send it without attachments, by endorsement directly to HQ AMC/DPAFQ. Include in your endorsement:

a. A statement that you have/have not:

- (1) Applied for voluntary retirement, or
- (2) Tendered your resignation.

If you apply for voluntary retirement or tender your resignation, attach a copy of your application to this endorsement.

b. A statement that you do/do not desire to comment. If you desire to comment, you may attach any statements or documentary evidence you want to submit. If you have requested more time as outlined in paragraph 4c of this letter, attach a copy of your request.

c. A statement that you have been counseled by [REDACTED] the Area Defense Counsel. If you decline legal counsel, so state and indicate that you have been counseled by [REDACTED] Chief, CBPO and that you fully understand your rights and options in this action.

d. You may request to be placed on excess leave provided processing of this separation action no longer requires your presence. AFR 35-9 provides guidance on excess leave.

6. Within 24 hours after you receive this correspondence, sign and date two copies of the letter of acknowledgment. Send one copy to this headquarters and one copy to HQ AMC/DPAFQ.

[REDACTED]

- 4 Atchs
- 1a-1. Evidence
 2. AFR 36-2
 3. AFR 36-12
 4. Letter of Acknowledgment
(2 cys)

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