

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ████████████████
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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	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A93.23 A92.21 A93.07	<b>INDEX NUMBER</b> A67.00	<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> 01 Dec 2004	<b>CASE NUMBER</b> FD-2004-00239	
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**APPLICANT'S ISSUE 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.

*[Handwritten Signature]*

	<b>DATE:</b> 12/2/2004
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<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, 4E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2004-00239

**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:**

Issues 1 and 3. Applicant was discharged for misconduct. Unfortunately, member's discharge processing files and medical records were unavailable to the Board for review due to being missing from the record. Because member's discharge file was unavailable to the Board for review, the Board was unable to conclusively ascertain the nature of misconduct on member's part that formed the basis for the discharge. The Board also could not determine if member consulted counsel or submitted statements on his own behalf at the time of the discharge. When requested to provide any pertinent information he may have about the discharge file or his record of service, applicant advised he did not have any relevant information. Applicant contends his discharge was based on a medical determination of his inability to cope with military life. He also noted while in the service he was immature and negatively impacted by marital problems which led to him to act out in a disruptive way. Applicant failed to provide any evidence to substantiate his contentions, and lacking documented evidence from the applicant to the contrary, the Board relies on the presumption of regularity and finds the discharge proper and without basis for an upgrade. No inequity or impropriety could be found in the records available for review.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well. However, this is not a matter of inequity or impropriety which would warrant an upgrade.

**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]  
[REDACTED]  
(Former A1C) (HGH A1C)

MISSING DISCHARGE DOCUMENT AND MEDICAL  
RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Lackland AFB, TX UP AFI 36-3208 (Misconduct). Appeals for Honorable Discharge.
2. **BACKGROUND:**
  - a. DOB: 9 Mar 75. Enlmt Age: 18 11/12. Disch Age: 21 7/12. Educ: Masters Degree. AFQT: N/A. A-85, E-62, G-76, M-31. PAFSC: 4A031 - Health Services Management. DAS: 28 Jan 95.
  - b. Prior Sv: (1) AFRes 8 Mar 94 - 12 Oct 94 (7 months 5 days) (Inactive).
3. **SERVICE UNDER REVIEW:**
  - a. Enlisted as AB 12 Oct 94 for 4 yrs. Svd: 2 Yrs 0 Mo 25 Das, all AMS.
  - b. Grade Status: A1C - 12 Feb 96  
AMN - 12 Apr 95
  - c. Time Lost: None.
  - d. Art 15's: None.
  - e. Additional: Unknown.
  - f. CM: None.
  - g. Record of SV: 12 Oct 94 - 11 Jun 96 Lackland AFB 4 (Initial)
  - h. Awards & Decs: NDSM, AFTR.
  - i. Stmt of Sv: TMS: (2) Yrs (7) Mos (29) Das  
TAMS: (2) Yrs (0) Mos (25) Das
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Jun 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Employment Appointment.
4. College Degrees.

1SEP04/ia

**7. SUPPORTING DOCUMENTS** (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:  
DD 214.

b. DOCUMENT 2:  
Military Medical Records --- Unable to obtain

c. DOCUMENT 3:  
Military Personnel Records --- Unable to obtain

**8. ISSUES**

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I am submitting a request to upgrade my discharge from General to Honorable Discharge. I have been unable to obtain my military medical and personnel records after repeated attempts to Department of Veterans Affairs. I was separated and discharge from the Air Force based on a medical determination of unable to cope with military life and medical depression. Even though I am unable to obtain my records my doctor evaluated my condition of depression as temporary.

Since separating from the military my life and personal accomplishment have greatly changed. I returned to school and have gotten my bachelor of science and master degree in business, currently working for the State of Washington as a Medical Assistance Specialist for over two and one-half years and have married and now have a family of three children and a wife. I am now a stable and productive member of my community.

While in the air force I was immature and unable to handle the stresses of being married to my first wife who was aggressive towards me and caused harm to my career. Naturally I must assume responsibility for my actions. My medical conditions which led me to act out in a disruptive manner were of a temporary nature. In my opinion I feel I should not be permanently penalized for a temporary medical condition of which I have overcome.

I am attaching documents (undergraduate and graduate degrees) and work history attesting to my personal accomplishments and as a stable member of my community. Again, I request that my discharge be upgrade from General to Honorable.

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)  
AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.

THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.

**9. CERTIFICATION**

I make the foregoing statements as part of my application with full knowledge of the penalties involved for willfully making a false statement. (U.S. Code, Title 18, Section 1001, provides that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

a. DATE (YYYYMMDD)  
20040609

b. SIGNATURE 

UPON COMPLETION MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a> )	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001