

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 15px; width: 100%;"></div>		GRADE  LT COL	AFSN/SSAN <div style="background-color: black; height: 15px; width: 100%;"></div>								
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">COUNSEL</th> <th rowspan="3" style="width: 50%;">NAME OF COUNSEL AND OR ORGANIZATION</th> <th rowspan="3" style="width: 40%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</th> </tr> <tr> <th style="width: 10%;">YES</th> <th style="width: 10%;">No</th> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	No		X		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL								
YES	No										
	X										
MEMBER SITTING <div style="border: 1px dashed black; height: 150px; width: 100%;"></div>		VOTE OF THE BOARD									
		HON	GEN	UOTHC	OTHER	DENY					
						X					
						X					
						X					
						X					
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A70.00</b>									
		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 <b>05 Oct 2004</b>		CASE NUMBER <b>FD-2004-00288</b>									
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE											
<p>Case heard at Washington, D.C.</p> <p>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</p>											
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT									
INDORSEMENT		DATE: 10/5/2004									
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-2004-00288**

**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.

**ISSUE:** Applicant does not contest his discharge. He states that the events leading to his discharge were not deliberate and he would like to serve in the military again. The records indicated the applicant received an Article 15, and two Letters of Reprimand for being late for duty, showing up for work intoxicated, found drunk while on duty, and for taking prescribed drugs without authority. 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. 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.

DEPARTMENT OF THE AIR FORCE  
AIR FORCE DISCHARGE REVIEW BOARD  
ANDREWS AFB, MD

[REDACTED]  
[REDACTED]  
(Former Lt Col) (HGH Lt Col)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Andrews AFB, MD on 2 Oct 02 UP AFI 36-3207 (Resignation in Lieu of Administrative Discharge). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 1 Sep 55. Enlmt Age: 45 0/12. Disch Age: 47 1/12. Educ: HS DIPL. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 45A3 - Anesthesiologist. DAS: 10 Dec 00.

b. Prior Sv: (1) AFRes 28 Sep 00 - 4 Nov 00 (1 month 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Appointed as Major and Ordered to Extended Active Duty on 5 Nov 00. Svd: 1 Yrs 10 Mo 28 Das, all AMS.

b. Grade Status: Lt Col - 21 May 01

c. Time Lost: None.

d. Art 15's: (1) 19 Oct 01, Andrews AFB, MD - Article 112. You were, on or near Andrews AFB, Maryland, on or about 12 Sep 01, found drunk while on duty as an anesthesiologist with the 89<sup>th</sup> Medical Group. Forfeiture of \$1,500.00 pay per month for 2 months, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 26 APR 02 - Taking prescribed drugs without authority. LOR, UNDATED - Late for duty on 20 and 21 May 01, and showing up for work intoxicated, rendering him unfit for duty.

f. CM: None.

g. Record of SV: 5 Nov 00 - 4 Nov 01 Andrews AFB DNMS (Annual) REF

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (2) Yrs (0) Mos (5) Das  
TAMS: (1) Yrs (10) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Jul 04.  
(Change Discharge to Honorable, and to Change the Reason and Authority for

Discharge)

Issue 1: I am an anesthesiologist, currently in practice at Westchester Medical Center, New York and am an appointed Assistant Professor at the New York Medical College, New York.

I immigrated to USA in 1979 and became a citizen by naturalization. I am grateful to this country for what it has offered me and to express my gratitude I volunteered in the year 2000 to serve USAF as a physician.

Unfortunately some unforeseen circumstances, contributed to, my abusing alcohol after joining the USAF and disrupted my professional function. I was unable to cope with the situation and this led my Base Commander to offer me a General discharge under Honorable conditions. I resigned and accepted his offer.

I still desire to serve the US Military. I sincerely request the Board to review my discharge and change it to an Honorable discharge since the events during my service were not deliberate.

ATCH

None.

24AUG04/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 89TH AIRLIFT WING (AMC)

FD 2004-00288

MAY 21 2002

MEMORANDUM FOR LT COL [REDACTED] 89 MSGS

FROM: 89 AW/CC

1535 Command Drive, Suite A225

Andrews AFB MD 20762-7001

SUBJECT: Notification of Action Initiated Under AFI 36-3206, Chapter 3, paragraph 3.6.4

1. I am initiating action against you under AFI 36-3206, Chapter 3, paragraph 3.6.4, which requires you to show cause for retention on active duty.
2. I am taking this action because you engaged in serious and recurring misconduct punishable by military authorities. The specific reasons for this action are:
  - a. On or about 20 and 21 May 2001, you failed to report to your place of duty at the Anesthesia Clinic. In addition, on 21 May 2001, you were unable to perform your duties as an anesthesiologist due to being intoxicated, with a blood alcohol content of .279. As a result of your misconduct you received a Letter of Reprimand.
  - b. On or about 12 September 2001, you were unable to perform your duties as an anesthesiologist because you were drunk on duty. As a result of your misconduct you received an Article 15, dated 9 October 2001.
  - c. On or about 25 April 2002, you used benzodiazepine, a controlled drug, that you had prescribed for yourself. Your actions violated AFI 44-119, paragraph A21.1.1.4.6, which prohibits practitioners from using controlled substances without written approval of the Medical Commander. As a result of your misconduct you received a Letter of Reprimand, dated 26 April 2002, which was placed in your Unfavorable Information File.
3. The least favorable character of discharge that the Secretary of the Air Force may approve in this case is under honorable conditions (general). Attached is a copy of documentary evidence supporting this action.
4. Sign and date the attached indorsement acknowledging receipt of this notification memorandum. A copy of the notification memorandum will be provided to you. If you decline to acknowledge receiving this notification memorandum, the officer presenting it to you will indicate on it, the date and time that you declined to acknowledge receiving it and it will be included as part of your case file.
5. Familiarize yourself with AFI 36-3206, particularly the rights that you have. If you do not apply for retirement or request a resignation in lieu of further administrative action, further action will commence under AFI 36-3206. Contact Maj [REDACTED] or Capt [REDACTED] military legal counsel at the ADC office located at 1430 Arnold Avenue, Andrews AFB MD, telephone 240-857-6624, to discuss the procedures involved and your rights and options. If

you decline counsel, contact Maj [REDACTED] Chief, Military Personnel Flight, for counseling about your rights and options.

6. Within 10 calendar days after you receive this notification memorandum you must respond by indorsement to me. If I do not receive this endorsement within the allotted time I will proceed with further action under AFI 36-3206. Include in your endorsement:

a. Any statement you wish to submit on your own behalf and/or any additional evidence that you wish me to consider. If you are unable to submit your statements or documentary evidence within 10 calendar days after receiving this notification memorandum, you may request more time as allowed under AFI 36-3206. Submit your request for additional time to me. If you do not submit statements or evidence, your failure will constitute a waiver of your right to do so.

b. A statement that Maj [REDACTED] or Capt [REDACTED] counseled you and that you fully understand your rights and options in this action. If you declined counsel, so state and indicate that Maj [REDACTED] counseled you and that you fully understand your rights and options in this action.

c. A statement that you understand the following regarding recoupment of education assistance, special pay, or bonuses received if you haven't completed the period of active duty to serve:

(1) Recoupment of a portion of education assistance, special pay, or bonus monies received if you voluntarily separate.

(2) Recoupment of a portion of education assistance received if involuntary discharge is for misconduct.

(3) Recoupment of a portion of special pay or bonus monies received regardless of the basis for involuntary discharge.

(4) The recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to you as the unserved portion of active duty bears to the total period of active duty that you agreed to serve.

d. A statement notifying me whether you intend to apply for retirement or tender your resignation. If you have applied for retirement or tendered your resignation, attach a copy of the retirement application or the resignation.

e. A statement that the area defense counsel or the chief, military personnel flight explained separation pay to you and that you understand the eligibility criteria to receive separation pay.

f. Any other pertinent information.

7. In response to this notification memorandum, you may, within 10 calendar days, tender your resignation under AFI 36-3207, Chapter 2, section B, with the understanding that, if the Secretary of the Air Force accepts your resignation, you may receive an under other than honorable conditions discharge unless the Secretary of the Air Force determines you should receive a discharge under honorable conditions (general) or an honorable discharge. If the Secretary of the Air Force accepts your resignation, your discharge date will be as soon as

possible but no later than 10 calendar days after the date that the MPF receives separation instructions.

8. Action under AFI 31-501 is not required.

9. You may request excess leave if the Air Force doesn't require your further participation in processing your case.



Brigadier General, USAF  
Commander

Attachments:

1. LOR (undated)
2. Article 15, 9 Oct 01
3. LOR, 26 Apr 02
4. OPR, dated 2 Jan 02
5. AFI 36-3206
6. AFI 36-3207