

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div> | | | | GRADE A1C | | AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| TYPE GEN | | PERSONAL APPEARANCE | | | | X RECORD REVIEW | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| COUNSEL YES No X | | NAME OF COUNSEL AND OR ORGANIZATION | | | | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MEMBER SITTING | | | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: center;">VOTE OF THE BOARD</th> </tr> <tr> <th style="width: 15%;">HON</th> <th style="width: 15%;">GEN</th> <th style="width: 15%;">UOTHC</th> <th style="width: 15%;">OTHER</th> <th style="width: 15%;">DENY</th> </tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X</td></tr> </table> | | | | VOTE OF THE BOARD | | | | | HON | GEN | UOTHC | OTHER | DENY | | | | | X | | | | | X | | | | | X | | | | | X | | | | | X |
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| ISSUES A94.05 A93.21 | | INDEX NUMBER A67.10 | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> <tr><td style="width: 5%;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td>2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td>3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td>4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table> | | | | 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 | | | | | | | | | | | | | | | | | | | |
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| HEARING DATE 17 Dec 2004 | | CASE NUMBER FD-2004-00390 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <div style="background-color: #cccccc; padding: 2px; font-size: 0.8em;">APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <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> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INDORSEMENT | | | | DATE: 12/20/2004 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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-2004-00390

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: Applicant contends discharge was inequitable because he had medical issues that were not taken into account during the discharge and thus resulted in too harsh a characterization. The records indicated the applicant received two Article 15s, two Letters of Reprimand, four Records of Individual Counseling, four Memorandums for Record, and a traffic citation for failure to go and failure to perform assigned duties on several occasions, late for duty on several occasions and fleeing the scene of an accident. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board considered the applicant's contention regarding his medical condition and found that it did not contribute to his misconduct and thus was without merit. The Board concluded the misconduct was a significant departure from conduct expected of all military members and 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]
[REDACTED]
(Former A1C) (HGH SrA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Minot AFB, ND on 24 May 93 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Apr 71. Enlmt Age: 18 0/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-23, E-81, G-48, M-53. PAFSC: 90350 - Radiologic Specialist. DAS: 22 Apr 91.

b. Prior Sv: (1) AFRes 12 May 89 - 12 Dec 89 (7 months 1 day) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Dec 89 for 4 yrs. Svd: 3 Yrs 5 Mo 12 Das, all AMS.

b. Grade Status: A1C - 13 May 93 (Article 15, 13 May 93)
SrA - Unknown
A1C - 12 Apr 91
Amn - 12 Jun 90

c. Time Lost: None.

d. Art 15's: (1) 13 May 93, Minot AFB, ND - Article 86. Preliminary investigation has disclosed that you did, on or about 25 Apr 93, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

(2) 28 Sep 92, Minot AFB, ND - Article 86. Preliminary investigation has disclosed that you did, on or about 14 Sep 92, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Airman. Suspended forfeiture of \$200.00 pay per month for one month. Fourteen days extra duty. (No appeal) (No mitigation)

e. Additional: RIC, 20 AUG 92 - Failure to perform assigned duties.
MFR, 10 JUL 92 - Failure to perform assigned duties.
MFR, 07 JUL 92 - Late for duty.
LOR, 23 JUN 92 - Late for duty.
LOR, 30 APR 92 - Failure to go.
RIC, 07 APR 92 - Late for duty on three occasions.
5 MG/SC LTR, 6 NOV 91 - Failure to go.
RIC, 25 OCT 91 - Substandard performance.

DD FORM 1569, 16 AUG 91 - Fleeing the scene of an accident.
RIC, 09 JUL 91 - Substandard performance and failure to
obey an order.
MFR, 27 OCT 92 - Failure to obey directives.

f. CM: None.

g. Record of SV: 12 Dec 89 - 21 Aug 91 Minot AFB 1 (Initial)REF
22 aug 91 - 30 apr 92 Minot AFB 2 (Cmdr Dir)REF
01 May 92 - 31 Oct 92 Minot AFB 2 (Cmdr Dir)REF

h. Awards & Decs: NDSM, AFTR, AFOUA.

i. Stmt of Sv: TMS: (4) Yrs (0) Mos (13) Das
TAMS: (3) Yrs (5) Mos (13) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 30 Aug 04.
(Change Discharge to Honorable)

Issue 1: During my tenure in the USAF, I was diagnosed with Dependent Personality Disorder (301.60). I believe that the symptoms of my DPD were misunderstood by my superiors as insubordination. The Mental Health Center developed a plan to help me work within the limitations of my disability. However, for reasons not made clear, my superiors did not act upon that plan, but chose instead to separate me as a sub-standard performer.

It may have been determined by my superiors that the disability accommodations recommended by [REDACTED] may have been impractical in a hospital environment. But if the decision not to accommodate my disability was made for the convenience of the government, then it seems reasonable that my discharge should have been characterized as "Honorable" because I did everything I could within the limits of my disability.

ATCH

1. DD Form 214.

7OCT04/ia



DEPARTMENT OF THE AIR FORCE
5TH MEDICAL GROUP (ACC)
MINOT AIR FORCE BASE, NORTH DAKOTA

FD 2004-00390

FROM: 5 MG/CCQ

13 May 93

SUBJ: Letter of Notification - AFR 39-10, Para 5-46

TO: [REDACTED]

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, minor disciplinary infractions. The authority for this action is AFR 39-10, paragraph 5-46. If my recommendation is approved, your discharge 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. On or about 9 Jul 91, you failed to obey an order from [REDACTED] to immediately place an X-ray in a critically ill patient's medical records. Instead of placing the x-ray in the medical records immediately, you took three hours. For this offense, you received a letter of counseling on 9 Jul 91.

b. On or about 16 Aug 91, after you hit into a parked vehicle, you left the scene without alerting the driver whose car you hit. For this offense, you were counseled.

c. During the month of October, 1991, you failed to meet the Hospital Fitness Program requirement of running a mile and a half or walking three miles during the month. On 8 Nov 91, you were notified of your failure to comply with the fitness requirement.

d. During the three weeks prior to 7 Apr 92, you were late for duty on three occasions. For these offenses, you received a letter of counseling on 7 Apr 92.

e. On or about 19 Apr 92, you failed to go to duty at the prescribed time. For this offense, you received a Letter of Reprimand (LOR) on 30 Apr 92, an Unfavorable Information File (UIF) was established, and you were placed on the Control Roster (CR).

f. On or about 22 Jun 92, you were 30 minutes late for duty. For this offense, you received a LOR on 23 Jun 92.

g. On or about 7 Jul 92, you were 30 minutes late for duty.

h. On or about 14 Sep 92, you failed to go to duty at the prescribed time. For this offense, you received nonjudicial punishment on 28 Sep 92, including a suspended reduction to Airman, a suspended forfeiture of \$200 pay per month for one month, and 14 days extra duty.

Global Power for America

1. On or about 25 Apr 93, you failed to go to duty at the prescribed time. For this offense, you received nonjudicial punishment on 13 May 93, including a reduction to A1C.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction (5 BW/CC) or a higher authority 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.

3. 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] Area Defense Counsel, at his office, 300 Summit Drive, Room 200A, at 1030 hours on 17 May 1993. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1620 hours on 18 May 1993, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND at 0800 hours on 14 May 93 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 2. A copy of AFR 39-10 is available for your use in the Orderly Room.

[REDACTED] execute the attached acknowledgment and return it to me immediately.

20 Atch (Listed on next page)

20 Atch

1. AF Fm 3070, 13 May 93, w/atchs
2. AF Fm 3070, 28 Sep 92, w/atchs
3. ROC, 20 Aug 92
4. MFR, 10 Jul 92
5. MFR, 7 Jul 92
6. LOR, 23 Jun 92
7. LOR, 30 Apr 92, w/atch
8. ROC, 7 Apr 92
9. 5 MG/SG Ltr, 6 Nov 91
10. ROC, 25 Oct 91
11. DD Fm 1569, 16 Aug 91
12. ROC, 9 Jul 91, w/atchs
13. MFR, 27 Oct 92 - [REDACTED]
14. MFR, 27 Oct 92 - [REDACTED]
15. MFR, 27 Oct 92 - [REDACTED]
16. Mental Health Evaluation, 16 Aug 91
17. 3790th MSTW/CC Ltr, 23 Aug 91, w/atch
18. 5 MG/SGHR Ltr, 16 Jan 92
19. 5 MG/SGHR, 27 Apr 92
20. Receipt of Letter of Notification