

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

ITIAL)

TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	No				
	X				

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

ISSUES A94.05	INDEX NUMBER A67.90	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 06 Jul 2005	CASE NUMBER FD-2004-00090
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.

Names and votes will be made available to the applicant at the applicant's request.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT		DATE: 7/6/2005
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-2004-00090

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

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: Applicant contends discharge was inequitable because it was completely unfounded. The records indicated the applicant received two Letters of Reprimand for failure to go and for failure to wear a seal belt; and for lying to her first sergeant about living in the dormitory. The applicant refused to return from leave, lied to her supervisors, refused treatment from Life Skills and expressed a continued desire to shirk her military obligation. 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.

Attachment:
Examiner's Brief

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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Shaw AFB, SC on 5 May 03 UP AFI 36-3208, paragraphs 5.50.2 & 5.11.9.1 (Misconduct - Conduct Prejudicial to Good Order and Discipline & Mental Disorder). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 22 Oct 79. Enlmt Age: 22 2/12. Disch Age: 23 6/12. Educ: HS DIPL. AFQT: N/A. A-71, E-39, G-74, M-28. PAFSC: 2W031 - Munitions Systems Apprentice. DAS: 21 Aug 02.

b. Prior Sv: (1) AFRes 7 Jan 02 - 19 Mar 02 (2 months 12 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 20 Mar 02 for 6 yrs. Svd: 1 Yrs 1 Mo 16 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, UNDATED - Failure to go.

LOR, 10 DEC 02 - Failure to wear a seat belt.

NOV 02 - Lying and attempting to receive BAH when she was not entitled.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (1) Yrs (3) Mos (29) Das

TAMS: (1) Yrs (1) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Mar 04.

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

ISSUES ATTACHED TO BRIEF.

FD2004-00090

ATCH

1. Applicant's Issues.
2. DD Form 214.

2APR04/ia

I am requesting a change in my discharge classification and narrative reasoning for discharge due to the fact that the misconduct portion of my discharge was completely unfounded.

I arrived at Shaw AFB, in August of 2002. Less than a month after arriving at Shaw I began to realize that a lot of the information given to me by my recruiter regarding my military career proved to be inaccurate. After going on leave to attend a close family members' wedding, I made a very regretful and detrimental decision not to return to Shaw on my scheduled return date. To make matters worse, upon returning to Shaw, I fabricated a story, in fear of the consequences I would have to suffer for my actions.

Prior to leaving my 1st sergeant's office I revealed the truth about my situation. I informed them of my reason for making up the story and very emotionally revealed the fact that I was given false information regarding my military career. I found myself falling into a state of depression and was extremely concerned about my state of being in the future. At that time, my 1st sergeant gave me the opportunity to explain in detail the specifics of my ordeal. I informed him of the fact that I was in merely 3 semesters from completing my bachelor's degree prior to enlisting in the Air Force. My recruiter informed me of the 100% tuition assistance the Air Force offered, as well as the opportunity to become a commissioned officer upon completing my degree. He also assisted me in choosing a job that would enable me to take a full load of classes, enabling me to complete my degree in a timely manner. This was something very important to me, being that I would be the first of my grandmothers' 25 grandchildren to complete a college degree. I was not informed that in addition to waiting the six weeks for basic training, and the 2 months for tech school, that I would have to wait an additional 18 months to complete CDC's before I could enroll in school. I could not believe that someone would be so dishonest as to mislead me in something that was so important to me. Postponing my enrollment in school 2 semesters to join the military was something I was more than willing to do. Had I known a two-year delay was to be expected, I would not have opted to join at that time.

After speaking with my commander and my 1st sergeant, they informed me that the consequences for my actions could go one of two ways. If I felt the circumstances I was facing in continuing my military career were intolerable I could receive an article 15 or some other severe form of punishment that would expedite my discharge from the military, almost certainly with a dishonorable discharge. This option would not only ensure a negative experience in my military career, but also difficulty obtaining a job in my civilian life due to a dishonorable discharge. Option 2 would be to accept an LOR and work with my supervisors and other military officials to make the best of my military career. I was informed of Palace Chase and various other commissioning programs that would be very beneficial to me.

I accepted the LOR, and ensured my commanding officials that the behavior exemplified in the current situation was not a reflection of what was to be expected of me as a person. I understood that for a while I would be working to establish my credibility, and I was more that up for the challenge. After this event, I went the extra mile to change the impression I made on everyone involved in the situation.

My only other infraction while at Shaw was a ticket I received in November of 2002 for not wearing my safety belt. This was definitely a one-time occurrence, as stated in my response to the LOR I received. I am an avid supporter and enforcer of individuals wearing their safety belts while driving.

I worked very hard to make the best of a bad situation, unfortunately due to circumstances beyond my control I drifted into a severe state of depression. Family issues along with the extreme sense of anxiety I experienced towards the pending war situation, caused my condition to worsen. I sought help through the base Chaplin, and was referred to the life-skills clinic. After several attempts to receive council from Capt. [REDACTED] at the life-skills clinic, we noticed that a communication problem existed between us. I requested my shop chief, Sgt. [REDACTED] to sit in on one of our sessions, and he agreed that there was a severe breakdown in communication between Capt. [REDACTED] and myself. Capt. [REDACTED] provided me with a list of providers from which I may solicit outside treatment from. I accepted the offer and began receiving treatment from an outside provider. While receiving council, I was prescribed Zoloft, an anti-depressant drug to help in my recovery from the severe state of depression I was in. After 4 months of treatment, to no prevail, a discharge was taken into consideration.

After the decision was made, the paperwork was given to me explaining the details of my discharge. There were several false statements, and inaccurate recollections of events included in the package. I received assistance in my rebuttal from the base legal office, but with little success. One major inaccuracy stated in my discharge package was a statement concerning a conversation between Sgt. [REDACTED] and myself. There was no paperwork generated from this incident at the time however, an inaccurate recollection of the event was included in my discharge package. Failing to state that I requested a meeting with my commander concerning the situation, and that I stated in front of my commanding officials (including Sgt. [REDACTED]) that he was mistaken concerning the particulars of this event. He had given me specific instructions in this matter, that I followed, and in doing so, Sgt. [REDACTED] reprimanded me for this, in a very demeaning, and unorthodox way. My response in this matter, from my commander was (in summation), that Sgt. [REDACTED] had seniority over me and because of this his word prevailed over mine.

I informed the individuals in the legal office that due to the prior experience with Sgt. [REDACTED] inaccurately conveying a conversation between the two of us, I felt uncomfortable ever being alone with Sgt. [REDACTED]. I also informed the legal office of the uneasy feeling I received because of the fact that Sgt. [REDACTED] displayed a confederate flag on the wall of his office. Shortly thereafter I was informed that he was ordered to remove the flag from display. I am assuming that he was informed that I was the one to bring up the issue of his office décor, which brings me to believe he had a personal vendetta towards me.

Which brings me to this attempt to correct my current discharge status and narrative reasoning for discharge. I honestly feel that rank, seniority, and status, played a huge role in the unjust decision to categorize my discharge as due to misconduct. I received an LOR for my failure to report to duty, and the traffic citation that I received. Neither of which constituted a discharge. My severe state of depression and overwhelming anxiety were the reasons for my discharge. The addition of misconduct was totally unjust, and added due to a personal vendetta between Sgt. [REDACTED] and myself. I hope that by submitting this document I will be given the proper discharge for my circumstances.



DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD 2004-00090

21 MAR 03

MEMORANDUM FOR AIC [REDACTED] 20 EMS

FROM: 20 EMS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for conduct prejudicial to good order and discipline and mental disorders. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.50.2 and 5.11.9. If my recommendation is approved, your discharge will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 3 Mar 03, Capt [REDACTED] from Life Skills determined that, although you are able to conform your behavior in accordance with the UCMJ, you have a mental disorder that significantly impairs your ability to function in the military environment.

b. On 16 Jan 03 and again on 21 Jan 03, you told Life Skills personnel that you were considering harming yourself for the purpose of getting out of deployment and, ideally, your military obligation. You refused to engage in a treatment plan and reiterated your desire to shirk your obligations.

c. During Nov 02, you lied to your first sergeant, MSgt [REDACTED], stating that you had been living in the dormitory for a year when you had only been in the dormitory approximately 90 days. You then lied to your section chief, stating that your first sergeant, MSgt [REDACTED] had given you permission to move out of the dormitory. In doing so, you attempted to receive BAH when you were not entitled.

d. On 3 Sep 02, you failed to report for duty. For this misconduct, you received an LOR.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction 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, and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. 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 Capt [REDACTED] Area Defense Counsel,

Global Power For America

895-9530, on 21 Mar 03, at 1030 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three days after receipt of the notification memorandum, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You are scheduled for your final out-processing medical examination on 24 Mar 03 at 1300 hours. You will report to Primary Care, located in the Shaw AFB Hospital, at the time prescribed. This appointment is mandatory. If you must reschedule, contact your unit First Sergeant to reschedule the appointment for you. This examination must be carried out within 48 hours of the original appointment if the date must be rescheduled.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the orderly room.

9. Execute the attached acknowledgment, and return it to me immediately.


Lt Col, USAF
Commander

Attachments:

1. Memo from Capt  3 Mar 03 (Tab 4)
2. MFR, 13 Mar 03 (Tab 4)
3. LOR, undated (Tab 4)
4. LOR, 10 Dec 02, with response (Tab 4a)
5. Respondent's Receipt of Notification (Tab 5)