

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

INITIAL)

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
					X
					X
					X
					X

ISSUES	A42.00 A93.21	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	14 Jun 2005	CASE NUMBER	FD-2004-00425		

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

ENDORSEMENT		DATE: 6/22/2005
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-2004-00425

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.

ISSUE: Applicant contends that based on a mental evaluation she was in no shape to deploy and her commander continued to push her by giving her paperwork for everything she did wrong and in some cases, uncalled for which caused more stress and problems in the work center. The records reflect the applicant received a general discharge for a pattern of misconduct--conduct prejudicial to good order and discipline, and mental disorder. Her misconduct included an Article 15 for false certification of AF Form 3616, Daily Record of Facility Operation, and failing to remain awake and alert while on duty and one Letter of Reprimand for willfully attempting to avoid deployment. 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.

The Board noted the applicant's notification for separation contained misconduct which occurred during her first enlistment and should not have been included. This error was considered as a harmless error and would not have prejudiced the applicant and, therefore, would not have resulted in a different outcome.

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 A1C) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Whiteman AFB, MO on 31 Oct 02 UP AFI 36-3208, para 5.50.2 and 5.11.9 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline & Mental Disorder). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 8 Oct 80. Enlmt Age: 17 11/12. Disch Age: 22 0/12. Educ: HS DIPL. AFQT: N/A. A-54, E-45, G-42, M-33. PAFSC: 1C051 - Airfield Management Journeyman. DAS: 15 Nov 00.

b. Prior Sv: (1) AFRes 12 Sep 98 - 8 Jun 99 (8 months 28 days) (Inactive).

(2) Enlisted as A1C 9 Jun 99 for 4 yrs. Svd: 3 yrs 0 months 4 days, all AMS. Sra - 9 Oct 01. EPR: 5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 14 Jun 02 for 5 yrs 11 months. Svd: 0 Yrs 4 Mo 17 Das, all AMS.

b. Grade Status: A1C - 9 Oct 02 (Article 15, 9 Oct 02)

c. Time Lost: None.

d. Art 15's: (1) 9 Oct 02, Whiteman AFB, MO - Article 107. You, did, on or about 27 Sep 02, with intent to deceive, sign an official record, to wit: AF Form 3616, Daily Record of Facility Operation, which record was false in that the 0230 and 0600 entries listed as "OPS5/LJ on airfield for FOD/BASH check//LJ" were not accomplished as indicated by your signed certification on said form, and was then known by you to be so false. Article 92. You, who knew of your duties, on or about 26 Sep 02, were derelict in the performance of those duties in that you willfully failed to remain awake and alert while at your appointed duty location during your appointed duty hours, as it was your duty to do. Reduction to A1C, and forfeiture of \$200.00 pay. (No appeal) (No mitigation)

e. Additional: LOR, 10 SEP 02 - Willfully attempt to avoid deployment.
LOR, 04 FEB 02 - Dereliction of duty.
LOR, 30 OCT 01 - Dereliction of duty.

f. CM: None.

g. Record of SV: 16 Jan 01 - 15 Jan 02 Whiteman AFB 4 (Annual)

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

i. Stmt of Sv: TMS: (4) Yrs (1) Mos (20) Das
TAMS: (3) Yrs (4) Mos (23) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Oct 04.
(Change Discharge to Honorable)

Issue 1: An evaluation was conducted on me, stating that I was in no shape to deploy as stated in my mental evaluation, parag. (sic) 5 sub bullet A. The commander continued to push me by giving me paperwork for every thing done wrong, and in some casing (sic) the paperwork was uncalled for causing more stress and problems in the work center.

ATCH

1. Mental Health Evaluation, 30 Sep 02.

27DEC04/ia



DEPARTMENT OF THE AIR FORCE
509TH OPERATIONS SUPPORT SQUADRON (ACC)
WHITEMAN AIR FORCE BASE, MISSOURI

FD 2004-00425

23 OCT 02

MEMORANDUM FOR A1C [REDACTED]

FROM: 509 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct prejudicial to good order and discipline and a mental disorder. The authorities for this action are AFD 36-32 and AFI 36-3208, paragraph 5.50.2 and AFD 36-32 and AFI 36-3208, paragraph 5.11.9. If my recommendation is approved your service will be characterized as under honorable (general) conditions.
2. My reason for this action is:
 - a. On 27 Sept 02, you signed an official record which was false and was then known by you to be false. For this misconduct, you received an Article 15 dated 18 Oct 02.
 - b. An evaluation at the Whiteman AFB Mental Health Clinic, on 30 Sept 02, revealed that you are suffering from Adjustment Disorder with anxiety and depressed mood. The Life Skills Flight commander has determined your disorder to be so severe that your ability to function effectively in the military environment is significantly impaired. This diagnosis is evidenced by a memorandum from the Life Skills Flight Commander of Mental Health, dated 30 Sept 02. (Atch 1a)
 - c. Investigation revealed that on or about 4 Sept 02, you willfully attempted to avoid deployment. For this misconduct, you received an LOR dated 10 Sept 02.
 - d. On the weekend of 26 - 27 Jan 02, you failed to complete the Facility Standards Checklist. For this misconduct, you received an LOR dated 4 Feb 02.
 - e. You were found to be derelict in your duties and you failed to maintain proper military bearing to an NCO. For this misconduct, you received an RIC dated 1 Dec 01
 - f. On Oct 19 01, you failed to validate an aircraft's request to land at Whiteman Air Force Base. For this misconduct, you received an LOR dated 30 Oct 01.
3. This action could result in your separation with an under honorable (general) conditions discharge. The commander exercising Special Court-Martial Convening authority or a higher authority will make the final decision in this matter. If you are discharged you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the

armed forces. 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 Captain [REDACTED] in Bldg 509 on 24 OCT 02 at 1000. You may also 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 by 26 OCT 02 unless you request and receive an extension for good cause shown. I will forward your statements 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 rights to do so.

7. You have been scheduled for a medical examination. You must report to Physical Exams at 0900 on 24 OCT 02 for the examination.

8. Any personal information you furnish in rebuttal is protected by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in your unit's Orderly Room.

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

[REDACTED]
[REDACTED]
[REDACTED] Lt Col, USAF
Commander

Attachments:

1. Supporting documents for the reason for discharge

- a. Memorandum from Life Skills Flight Commander, dated 30 Sept 02
- b. A15 dated 18 Oct 02
- c. LOR dated 10 Sept 02
- d. LOR dated 4 Feb 02
- e. RIC dated 1 Dec 01
- f. LOR dated 30 Oct 01

2. Documents containing derogatory information which are not listed in the notification memorandum.

3. Airman's receipt of notification memorandum, dated 23 OCT 02.