

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE 1LT	AFSN/SSAN ████████████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		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 A94.05	INDEX NUMBER A24.00	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 07 Apr 2005	CASE NUMBER FD-2005-00047	
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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

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

SIGNATURE OF BOARD PRESIDENT

INDORSEMENT	DATE: 4/8/2005
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-2005-00047

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 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 states that an independent investigation of the allegations made by the Air Force was made by the Florida Board of Nursing and that the case was closed without finding of probable cause. He further states that he has been employed as a critical care registered nurse since his separation and would like his discharge upgraded to Honorable. The records indicated the applicant received a Letter of Reprimand and an Unfavorable Information File for failure to go, a Letter of Counseling for dereliction of duty; and a Letter of Admonishment for dereliction of duty and an improper discussion of his pandering activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. 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

(Former 1LT) (HGH 1LT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Travis AFB, CA on 29 Mar 01 UP AFI 36-3206, para 2.3.3 (Failure to Discharge Duties Equal to his Grade and Experience). Appeals for Honorable Discharge and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 29 Sep 67. Enlmt Age: 30 10/12. Disch Age: 33 6/12. Educ: BACHELOR DEGREE. AFQT: N/A. A-UNK, E-UNK, G-UNK, M-UNK. PAFSC: 046N3 - Clinical Nurse. DAS: 7 Oct 98.

b. Prior Sv: (1) Enlisted USN 24 Jun 88 - 28 Jul 88 (1 month 05 days) (Active).

(2) AFRes 31 Jul 98 - 29 Aug 98 (0 month 29 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Appointed as 2Lt & Ordered to EAD 30 Aug 98. Svd: 02 Yrs 06 Mo 28 Das, all AMS.

b. Grade Status: 1Lt - 07 Nov 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 24 JUL 00 - Failed to go to his appointed place of duty.
LOC, 10 SEP 99 - Derelict in the performance of duty.
LOA, 26 APR 99 - Investigation disclosed that on two separate occasions you were derelict in your duties. Also on at least two separate occasions you discussed your pandering activities or actions of precurring a prostitute.

f. CM: None.

g. Record of SV: 30 Aug 98 - 29 Aug 99 Travis AFB MS (Annual)
30 Aug 99 - 29 Aug 00 Travis AFB DNMS (Annual)REF

h. Awards & Decs: AFTR, AFOUA W/1 BOLC.

i. Stmt of Sv: TMS: (02) Yrs (08) Mos (02) Das

TAMS: (02) Yrs (07) Mos (03) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Jan 05.
(Change Discharge to Honorable and Change Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Brief.
2. DD Form 214.
3. Notification of Show Cause Action.
4. Feedback Worksheet.
5. Probable Cause Panel Review Findings.
6. Copy of Various Nursing Licenses and FL Driver's Licenses.
7. Recent Professional Evaluation.
8. Thankyou Note.
9. Congratulatory letter for Promotion to 1Lt.

15MAR05/day

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: Certificate of Release DD214
- b. DOCUMENT 2: Notification of Show Cause Action Initiated Under AFI 36-3206
- c. DOCUMENT 3: Company Grade Performance Feedback AF form 724 B

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.

An independent investigation of the allegations made by the Department of the Air Force was made by the Florida Board of Nursing. This case was closed without finding of probable cause. I have been employed as a critical care registered nurse since separation. Please upgrade my discharge from Under Honorable conditions (General) to Honorable. If possible enter my name into the inactive individual ready reserve.

Please see document 4 (Agency for Healthcare Administration) regarding final outcome of this case.
 Case No. [REDACTED]

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)
 2005 JAN 21

b. SIGNATURE
 [REDACTED]

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	Naval Council of Personnel Boards Bldg. 36 - Washington Navy Yard 901 M Street, S.E. Washington, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (WPM-60) U.S. Coast Guard Headquarters Washington, DC 20593-0001



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 60TH AIR MOBILITY WING (AMC)

30 NOV 2000

MEMORANDUM FOR FIRST LIEUTENANT [REDACTED] 30 MDOS

FROM: 60 AMW/CC
400 Brennan Circle
Travis AFB CA 94535-3500

SUBJECT: Notification of Show Cause Action Initiated Under AFI 36-3206, Chapter 2,
paragraph 2.3.3

1. I am initiating action against you under AFI 36-3206, Chapter 2, paragraph 2.3.3 that requires you to show cause for retention on active duty.

2. I am taking this action because:

a. An investigation disclosed that on two separate occasions you were derelict in the performance of your duties, in that you negligently failed to follow appropriate procedures when drawing a patient's blood sample from a central line. You did not follow the three standards for another patient when the patient required a transfusion of two units of packed red blood cells. Those standards were that (1) you did not assess the intravenous site and consider changing the size of the catheter to a large diameter; (2) you did not open nursing problem #4, decreased tissue perfusion, due to the patient's anemia; and, (3) you did not take appropriate actions when this same patient complained of chest pain (Atch 1).

b. Further investigation disclosed that at least on two separate occasions, you conducted an open unwanted discussion with two officers on 4 East regarding your pandering activities or actions of procuring a prostitute. For dereliction and unacceptable behavior in paragraphs 2a and 2b, you received a letter of admonishment (LOA) on 26 April 1999 (Atch 1).

c. You were, on or about 30 August 1999, derelict in the performance of your duties, in that you negligently failed to minimally document the condition of two patients on the Medical/Oncology Unit. You were directed and encouraged to diligently document patient progress. With patient [REDACTED] your documentation of her complaint of chest pain was woefully inadequate. With patient [REDACTED] you failed to adequately document your assessment of the patient's pain management regime. For dereliction of duty, you received a letter of counseling (LOC) on 10 September 1999 (Atch 2).

d. You did, on or about 16 July 2000, fail to go at the time prescribed to your appointed place of duty, Unit 4 East. For this action, you received a letter of reprimand (LOR) on 24 July 2000, with establishment of an unfavorable information file (UIF) on 2 August 2000 (Atch 3).

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 are copies of documentary evidence to support 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 receipt of this notification memorandum, the officer presenting it to you will indicate on it the date and time you declined to acknowledge receipt. It will then be included in your case file.

5. Familiarize yourself with AFI 36-3206, particularly the rights you have. If you do not apply for retirement or request a resignation in lieu of further administrative action, an Air Force Personnel Board (AFPB) will convene as provided in Chapter 6. Contact Captain [REDACTED] Area Defense Counsel (ADC), 540 Airlift Drive, Suite D-100, Building 381, Travis Air Force Base, California 94535-2479; DSN [REDACTED] Commercial (707) [REDACTED] to discuss the procedures involved and your rights and options. If you decline counsel, contact Major [REDACTED] Chief, Military Personnel Flight (MPF), 540 Airlift Drive, Building 381, Wing C, Room 109, 60 MSS/DPM, Travis Air Force Base, California 94535; DSN [REDACTED] commercial (707) [REDACTED] 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 the indorsement within the allotted time I will proceed with further action under AFI 36-3206. Include in your indorsement:

a. Any statement you wish to submit on your own behalf and/or any additional evidence that you wish for 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 15 AF/JA. If you do not submit statements or evidence, your failure will constitute a waiver of your right to do so, and I will refer your case to the AFPB.

b. A statement that Captain [REDACTED] ADC, counseled you and that you fully understand your rights and options in this action. If you declined counsel, so state and indicate that Major [REDACTED] Chief, MPF, 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 educational assistance, special pay, or bonuses received if you haven't completed the period of active duty you agreed to serve:

- Recoupment of a portion of educational assistance, special pay or bonus monies received if you involuntarily separate.
- Recoupment of a portion of educational assistance received if involuntary discharge is for misconduct.
- Recoupment of a portion of special pay or bonus monies received regardless of the basis for involuntary discharge.
- 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.

- If you dispute that you are indebted for educational assistance, the board of inquiry, or, if you do not choose or are not entitled to a board of inquiry, an authority appointed by me, will make findings and recommendations concerning the validity of your indebtedness.

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 ADC or the chief of MPF 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 (SAF) accepts your resignation, you will receive a discharge under honorable conditions (general) unless the SAF determines that you should receive an honorable discharge. If the SAF accepts your resignation, your discharge date will be as soon as possible but no later than 10 calendar days after the date the MPF receives separation instructions.




8. Actions required under AFI 31-501 are not applicable.

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. LOA, 26 Apr 99
Copy of UCMJ, Article 134
Undated Response of Lt 
2. LOC, 10 Sep 99
Undated Response of Lt 
3. LOR, 24 Jul 00
Response of Lt , 17 Sep 00
AF Form 1058, 2 Aug 00
AF Form 1137
Memorandum of 60 MDOS/CC, 8 Sep 00
Memorandum of 60 MDOS/CC, 13, Sep 00
Memorandum of 60 MDG/CC, 15 Sep 00
4. OPRs
5. Letter of Acknowledgement
6. Personal Data (RIP)
7. AFI 36-3206
8. AFI 36-3207