

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE A1C	AFSN/SSAN ████████████████
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TYPE GEN	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION ████████████████████	ADDRESS AND OR ORGANIZATION OF COUNSEL ████████████████████ ████████████████████
YES	No		
<input checked="" type="checkbox"/>			

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

ISSUES	A31.00 A93.09	INDEX NUMBER	A67.10	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	CASE NUMBER
13 Sep 2005	FD-2005-00114

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 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.

INDORSEMENT	DATE: 9/14/2005
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

FD-2005-00114

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB, MD on 13 September 2005.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge and change of reenlistment code 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:

Issue 1. Applicant contends discharge was inequitable because he was suffering from depression and anxiety and received medication towards the end of his enlistment to treat these disorders. Although there was limited evidence regarding the severity of those disorders, the DRB asked the applicant if he would like the DRB to consider changing the reason for the discharge to a personality disorder. The applicant declined to request such an action, citing his perception that there is a stigma attached to someone who is identified as having mental health issues. The records do not indicate his mental health difficulties should have been evaluated in the disability evaluation system or prevented him from understanding his actions were wrongful or impacted his ability to conform his actions to Air Force expectations. The records did indicate the applicant received an Article 15, three Letters of Reprimand, one Letter of Counseling, and two Records of Individual Counseling for misconduct. 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.

Issue 2. Applicant argued that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, and his statement concerning his duty performance. The DRB found the seriousness of the willful misconduct offset the positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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 Holloman AFB, NM on 14 Jan 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Dec 81. Enlmt Age: 19 0/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-86, E-88, G-88, M-81. PAFSC: 1N051 - Imagery Analysis Journeyman. DAS: 20 Sep 01.

b. Prior Sv: (1) AFRes 5 Jan 01 - 23 Jan 01 (19 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Jan 01 for 6 yrs. Svd: 2 Yrs 11 Mo 21 Das, all AMS.

b. Grade Status: A1C - 13 Nov 03 (Article 15, 13 Nov 03)
 SrA - 09 Jul 03
 A1C - 27 Jul 01

c. Time Lost: None.

d. Art 15's: (1) 13 Nov 03, Holloman AFB, NM - Article 86. You, did, on or about 22 Oct 03, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C, and a reprimand. (Appeal/Denied) (No mitigation)

e. Additional: RIC, 09 JUN 03 - Dormitory room inspection failure.
 LOR, 23 APR 03 - Failure to obey a direct order.
 LOC, 21 MAR 03 - Failure to go.
 LOR, 19 SEP 02 - Substandard quality of work.
 LOR, 20 MAY 02 - Late for work on several occasions.
 RIC, 02 APR 02 - Late for work.

f. CM: None.

g. Record of SV: 24 Jan 01 - 24 Sep 02 Holloman AFB 3 (Initial)
 25 Sep 02 - 24 Sep 03 Holloman AFB 3 (Annual)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (3) Yrs (0) Mos (10) Das
 TAMS: (2) Yrs (11) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 8 Mar 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

3MAY05/ia

FD2005-00114

02/21/05

To Whom It May Concern:

I would like to submit this letter as a reason for why my Discharge should be changed from a General under Honorable Conditions to an Honorable discharge. I would like to have it changed do to the belief that I would like to enlist in the DC Air National Guard, and in doing so fulfill my obligation to my country and the military. I would also like to change the military's belief that I am a substandard airman when besides my one article 15 I served my country honorably.

At the time of the article 15 I believed my wife to be involved with several different men. Which lead my concentration away from where it should be. Which I know now it should have been on my job and commitment to my country, I have learned from my mistakes that I made then and have matured and do not wish to repeat them again.

I wish to fulfill my obligation to the military and country by enlisting with the DC Air National Guard but to do so I would require my discharge changed. I do not believe my discharge was categorized of my terms of service, during which time when I was considered a substandard airman, I was placed in charge of my office for a week's time. During that time I lead my office to getting a complete set of "Certificate's of Appreciation" from a Squadron Commander. That was the first and only time during my time at the squadron that we got as a whole "Certificate of Appreciation".

I would like these things to be thought of when you are making your choice on whether or not to change my discharge. I do not expect that I am not responsible in part for my faltering, though I don't believe that the discharge was completely fair with my performance. Thank you for your time and patience reading this and I hope it helps with your choice.

Sincerely





DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 49TH FIGHTER WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

FD 2005-00114

19 Dec 03

MEMORANDUM FOR [REDACTED]

FROM: 49 OSS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFI 36-3208, *Administrative Separation of Airmen*, Section 5H, paragraph 5.49. If my recommendation is approved, you will receive an honorable or an under honorable conditions (general) service characterization. I am recommending that you receive an under honorable conditions (general) service characterization.

2. My reasons for this action are as follows:

a. You did, at or near Holloman Air Force Base, New Mexico, on or about 22 October 2003, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 49th Operations Support Squadron, Bldg 317. For this, you received an Article 15 for violating Article 86 of the UCMJ. (Atch 1)

b. You did, at or near Holloman Air Force Base, New Mexico, on or about 4 June 2003, fail your weekly dormitory inspection. For this, you received a Letter of Counseling, dated 9 June 2003. (Atch 2)

c. You did, at or near Holloman Air Force Base, New Mexico, on or about 10 April 2003, disobey a direct order by not finding a replacement to attend a Fitness Assessment Monitor meeting prior to you going on leave. For this, you received a Letter of Reprimand, dated 23 April 2003. (Atch 3)

d. You were, at or near Holloman Air Force Base, New Mexico, on or about 21 March 2003, derelict in that you failed to report to the Health and Wellness Center for Fitness Assessment Monitor training. For this, you received a Letter of Counseling, dated 21 March 2003. (Atch 4)

e. You were, at or near Holloman Air Force Base, New Mexico, on or about 19 September 2002, reprimanded for sub-standard quality of work, such as incorrect headings, targets incorrectly annotated on imagery, Offset Aimpoints incorrectly annotated on imagery, and incorrect textual data on imagery, during the following time periods: 1 March 2002, 19-22 March 2002, 1 April 2002, 22-25 April 2002, 10 July 2002, 9 September 2002, 11 September 2002, and 17 September 2002. For this, you received a Letter of Reprimand, dated 19 September 2002. (Atch 5)

f. You did, at or near Holloman Air Force Base, New Mexico, on divers occasion, report to work late. For this, you received a Letter of Reprimand dated 20 May 2002. (Atch 6)

g. You did, at or near Holloman Air Force Base, New Mexico, on or about 29 March 2002, fail to report to work on time, at 0900, as prescribed by [REDACTED] a person superior to you. For this, you received a Letter of Counseling, dated 2 April 2002. (Atch 7)

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, will probably be denied enlistment in any component of the armed forces, and any special pay, bonus, or education assistance funds may be subjected 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] Area Defense Counsel, Building 222, Holloman AFB, phone 3473, at 1430 hours on 19 December 2003. 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 by 24 DEC 03 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 right to do so.

7. You have been scheduled for a medical examination. You must report to Family Practice Clinic, Bldg 15, at 1125 hours on 19 December 2003 for the examination.

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 office of the Area Defense Counsel.

9. You must execute the attached receipt and return it to me immediately. This receipt does not admit or deny any of the allegations against you, nor does it mean that you agree with the discharge action. It is simply an acknowledgment that you have received this Letter of Notification.

[REDACTED]
Commander

FD 2004-00114

Attachments:

1. AF Form 3070, 5 November 2003 (3 pages)
2. Letter of Counseling, 9 June 2003 (2 pages)
3. Letter of Reprimand, 23 April 2003 (1 page)
4. Letter of Counseling, 21 March 2003 (1 page)
5. Letter of Reprimand, 19 September 2002 (3 pages)
6. Letter of Reprimand, 20 May 2002 (2 pages)
7. Letter of Counseling, 2 April 2002 (1 page)