

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 AMN		AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>		
TYPE GEN		PERSONAL APPEARANCE		X		RECORD REVIEW		
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
X								
MEMBER SITTING				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
<div style="background-color: black; width: 100%; height: 1.2em;"></div>								X
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ISSUES A93.21		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 21 Dec 2005		CASE NUMBER FD-2005-00160						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE								
<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> <p>Names and votes will be made available to the applicant at the applicant's request.</p>								
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 1.2em;"></div>				SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 1.2em;"></div>				
INDORSEMENT				DATE: 12/21/2005				
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-2005-00160

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 discharge was inequitable because it should have been a medical discharge. The records indicated the applicant received an Article 15 for being disrespectful toward a TSgt on two separate occasions and for failure to go. In addition, he received a Letter of Reprimand and four Letters of Counseling for various misconduct. The applicant's issue concerning a medical discharge was found to be without merit. The applicant did have an adjustment disorder with depressed mood, and occupational problems. However, he was found to be responsible for his actions. The Commander could have used adjustment disorder as a narrative reason for discharge, but this would have resulted in the applicant having "Personality Disorder" on his DD Form 214 (not "medical" as the applicant desired). The Commander chose to go with the Misconduct as was his right to do so. 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.

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]
(Former AMN) (HGH A1C)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Robins AFB, GA on 20 Apr 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Feb 82. Enlmt Age: 18 11/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-90, E-97, G-96, M-96. PAFSC: 2E151 - Satellite Wideband & Telemetry Systems Journeyman. DAS: 22 Feb 02.

b. Prior Sv: (1) AFRes 13 Feb 01 - 20 Feb 01 (8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Feb 01 for 4 yrs. Svd: 3 Yrs 2 Mo 0 Das, all AMS.

b. Grade Status: Amn - 17 Jul 03 (Article 15, 17 Jul 03)
A1C - 21 Jun 02
Amn - 21 Aug 01

c. Time Lost: None.

d. Art 15's: (1) 17 Jul 03, Robins AFB - Article 91. You, on or about 20 Jun 03, were disrespectful in deportment toward TSgt [REDACTED] a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by shouting at him, to wit: "Sergeant [REDACTED] don't touch me. Because of you, I didn't get to see my grandfather before he died. If you would have let me go on leave when I wanted to, I could have seen him before he died," or words to that effect. You, on or about 7 Jul 03, were disrespectful in deportment toward TSgt [REDACTED], a noncommissioned officer, then known by you to be a noncommissioned officer, who was then in the execution of his office, by shouting at him, to wit: "Yes, you realize I'm scared to death to come to work because I have this threat of discharge hanging over my head," or words to that effect. Article 86. You, did, on or about 1 Jul 03 and on or about 7 Jul 03, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman. Suspended forfeiture of \$301.00 pay. (Appeal/Denied) (No mitigation)

- e. Additional: LOC, 09 FEB 04 - Did not possess all of the required items for mobility bags for Mobility Bag inspection.
 LOC, 23 JAN 04 - Failure to meet military uniform standards.
 LOR, 20 NOV 03 - Disrespec towards a superior.
 LOC, 06 FEB 03 - Failure to go
 LOC, 06 FEB 03 - Disrespect towards a supperior.
 Examiners Note: Information extracted from Notification Memorandum
- f. CM: None.
- g. Record of SV: 21 Feb 01 - 21 Oct 02 Robins AFB 4 (Initial)
 22 Oct 02 - 01 Aug 03 Robins AFB 2 (CRO)REF
 02 Aug 03 - 08 Mar 04 Robins AFB 2 (CRO)REF
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (3) Yrs (2) Mos (8) Das
 TAMS: (3) Yrs (2) Mos (0) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Apr 05
 (Change Discharge to Honorable)

Issue 1: As was stated in my discharge rebuttal, not only was I found by medical exam to be incompatible with military service, I was also discharged under two seperate (sic) articles of the UCMJ. As was explained to both myself, my acting Commander, and the personnel processing the discharge, it is not within procedure to do so. This fact was also documented in writing in my discharge rebuttal.

Issue 2: Should I not be deemed acceptable of an Honorable Discharge, I would request that my discharge at least be reclassified to Medical. Thank you for your time in reviewing this request.

ATCH
 None.

13JUN05/ia



DEPARTMENT OF THE AIR FORCE
51st COMBAT COMMUNICATIONS SQUADRON (ACC)
ROBINS AIR FORCE BASE, GEORGIA

FD 2005-00160

MAR 29 2004

MEMORANDUM FOR AIRMAN [REDACTED]

FROM: 51 CBCS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions and an adjustment disorder. The authority for this action is AFI 36-3208, paragraphs 5.49 and 5.11.9.3. If my recommendation is approved, your service will be characterized as honorable, general or under other than honorable conditions. I am recommending your service be characterized as general.
2. My reasons for this action are:
 - a. On 5 Feb 03, you were disrespectful towards a superior. You used profanity and stated your desire to strike your superior. For this offense, you received a Letter of Counseling (LOC) dated 6 Feb 03.
 - b. On 25 Feb 03, you failed to report to your duty station. For this offense, you received an LOC dated 6 Feb 03.
 - c. On 30 May 03, your commander directed you for a mental health evaluation due to concerns about your mental state as a result of behavioral observations, past administrative and work problems, and a history of becoming tearful when under stress. You were diagnosed as having an adjustment disorder with depressed mood, and occupational problems. Avoidant, dependent, and narcissistic traits were also noted. As a result of this evaluation, it was recommended that you be moved to another squadron to give you a "fresh start", because the psychologist was unable to make a definitive determination as to your ability to function in the military.
 - d. On 30 Jun 03 and 7 Jul 03, you were disrespectful towards a superior. Additionally, on 1 Jul 03 and 7 Jul 03, you failed to report to the Base Gymnasium as directed. For these offenses, you received an Article 15 with reduction in grade from Airman First Class to Airman, suspended forfeitures, and an Unfavorable Information File was established.
 - e. On 18 Nov 03, you were disrespectful towards a superior. You used profanity and inappropriate hand gestures towards your superior. For these offenses, you received a Letter of Reprimand dated 20 Nov 03.

f. On 23 Jan 04, you failed to meet military uniform standards. For this offense, you received an LOC dated 23 Jan 04.

g. On 3 Feb 04, upon inspection, it was discovered that you did not possess all of the required items for your mobility bags for a mandatory Mobility Bag inspection. For this offense, you received an LOC dated 9 Feb 04.

h. On 17 Feb 04, you continued to exhibit administrative and work problems, therefore, your commander directed a second mental health evaluation. The diagnosis has not changed. You continue to have an adjustment disorder with depressed mood, and occupational problems. Avoidant, dependent, and narcissistic traits were also noted. As a result of this evaluation, it was determined that your diagnoses are a basis for discharge. Therefore, it was recommended that you be discharged from the Air Force in accordance with AFI 36-3208, paragraph 5.11.9.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction will ultimately 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.

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 with Area Defense Counsel, 926-5852, at **1500 hours on 29 Mar 04**. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me **within 3 workdays** of notification unless you request and receive an extension for good cause. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to submit statements on your behalf.

6. You have been scheduled for a medical examination. You must report to Family Practice located in Building 700A at **1100 hours on 30 Mar 04**. You must be in uniform and on time in order to keep the scheduled appointment.

7. You have an appointment for an initial briefing at separations with SrA [REDACTED] or Ms [REDACTED] Bldg 905, 327-7348, at **1000 hours on 30 Mar 04**. Please bring an escort for your assistance.

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 at the Area Defense Counsel's Office.

[REDACTED]
[REDACTED] Capt, USAF
Commander

Attachments:

1. Supporting Documents
 - a. LOC, 6 Feb 03
 - b. LOC, 6 Feb 03
 - c. Mental Health Evaluation Recommendations, 4 Jun 03
 - d. AF Form 3070, 17 Jul 03 w/atchs
 - e. LOR, 20 Nov 03
 - f. LOC, 23 Jan 04
 - g. LOC, 9 Feb 04
 - h. Mental Health Evaluation Recommendations, 19 Feb 04 w/atchs
2. Airman's Receipt of Notification Memorandum