			AIR FORCE DISCHARGE RE	VIEW BOARD I	HI	EARIN	G RECOR	ED C			
			(ITIAL)								
LVDE (		X PERSONAL APPEARANCE			RECORD REVIEW						
COUNSEL.		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL						
YES	No	NAME	OF COUNSEL AND OR ORGANIZATION	ADI	ADDRESS AND OR ORGANIZATION OF COUNSE				-		
	X										
·		,			- VOTE OF THE BOARD						
			MEMBER SITTING		HON			UOTHC	OTHER	DENY	
					x						
									<del></del>		
					X						
					х						
										<del>                                     </del>	
								X			
•			<del></del>		X						
							VIIIDETCEE	DASELFED T	NEELE WOAT		
ISSUES	A94		INDEX NUMBER A80.00	1	300 		<u></u>	BMIFTED TO THE BOARD NG THE BOARD			
	A92 A93		·	2	<del></del>						
				3		LETTER OF NOTIFICATION					
				4	+	BRIEF OF PERSONNEL FILE					
				-	+	COUNSEL'S RELEASE TO THE BOARD  ADDITIONAL EXHIBITS SUBMITTED AT TIME OF					
						PERSONAL APPEARANCE					
				TAP		TAPE RECORDING OF PERSONAL APPEARANCE					
HEARIN	NG DATE		CASE NUMBER								
01 De	ec 2005		FD-2005-00204								
APPLIC	ANT'S ISSI	JE AND	THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE A	TTACHED AIR FORCE DI	SCI	HARGE RI	VIEW BOARD D	ECISIONAL RATI	DNALE		
Case	heard a	at Wa	shington, D.C.								
			- · · · · · · · · · · · · · · · · · · ·								
			of the decision of the Board, the right to a	personal appear	ra	nce wi	ith/without	counsel, a	nd the righ	nt to	
subm	it an ap	plica	tion to the AFBCMR.	•							
Name	es and	votes	will be made available to the applicant at	the annlicant's r	rea	anest					
, , , , , , , , ,			with the made available to the applicant at	ine applicant si	. •	quosi.					
	_										
SIGNATURE OF BOARD PRESIDENT											
			INDORSEMENT		14			DATE: 9/9/20	05* *	L	
TO:	6455	4D D D		FROM:	A D'	V OR TUP	AID EUDUE DE	RSONNEL COUN	C11		
SAF/MRBR 550 C STREET WEST, SUITE 40						DISCHAF	RGE REVIEW BC EE WING, 3RD F	ARD	CIL		
	RANDOLPH AFB, TX 78150-4742						0762-7002	•			
									_		

# FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

**AIR** 

FD-2005-00204

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, for a change in reason and authority for discharge, and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 08 Sep 2005.

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

**FINDINGS**: Upgrade of discharge to Honorable is approved. The request for change of reason and authority are denied. A reenlistment code change does not apply in officer discharge cases.

The Board finds that neither the evidence of record nor that provided by the applicant which substantiates an inequity or impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's misconduct, committed during a relatively limited period of time in his Air Force career, was an aberration when considering his entire military service and post-military career.

The applicant contends that his discharge was inequitable because it was too harsh and did not take into account additional factual evidence that may have resulted in a different decision than rendered by the discharge authority. The applicant also contends that the decisional rationale offered in his previous non-personal appearance DRB "ignored the evidence of depression as a source of [his] aberrant behavior, including alcohol abuse." The records indicated that the applicant received a General, under Honorable conditions, discharge after acceptance of his request for Resignation In Lieu of Involuntary Discharge. The applicant received two Article 15's, for several instances of failure to attend his required place of duty, namely emergency room duty, surgical on-call duty, and ob-gyn rotations, during an internship training period. Additional charges included reporting to an alcohol treatment program with the odor of alcohol on his breath, the making of a false official statement, on or about 11 November 1991, that his father had died, and absenting himself from his place of duty from on or about 28 February 1992 to on or about 2 March 1992. The applicant provided testimony that he was erroneously informed that his father had indeed died, in a telephone conversation with another physician in training, who was presumably aware of his father's actual clinical status. The applicant also provided written evidence that retired Colone Chairman of the Department of Psychiatry at the time he was evaluated for alcohol abuse, believed that the applicant's principal diagnosis should have been that of a depressive disorder, a condition which the applicant believed could have resulted in a Medical Evaluation Board and a medical discharge. The applicant also testified that he had established a difficult interpersonal professional relationship with two Air Force medical officers during a prior assignment, who then later became reassigned at the same institution (Malcolm Grow Medical Center), and that both officers conducted psychiatric evaluations on the applicant, rendering the diagnosis of alcohol dependence. Implicit in the applicant's testimony is that the aforementioned, allegedly errant, evaluations adversely influenced the reason for his discharge. While the member's instances of missed duty rotations were well documented, the Board found no evidence that these resulted in the issuance of either letters of counseling or reprimand. However, they were later retrieved and utilized among the bases for the member's discharge action. With reference to the applicant's absence from duty from on or about 28 February 1992 to on or about 2 March 1992 (also involving a weekend), there is written evidence of record that the applicant informed his immediate supervisor (Major and his supervisor's secretary of his planned absence in order to take care of his vandalized car. The DRB noted the applicant had previously performed exceptionally well as a judge advocate and medical-legal advisor prior to entering upon a period of medical training. Since the applicant's discharge he has returned to the legal profession in the civilian federal service, again with evidence of remarkable job performance and a range of community involvement.

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.

However, after collectively considering all available facts and evidence presented in the applicant's case, to include his post-service activities, the DRB believed that the comparatively brief period of misconduct displayed by the applicant while in training was an aberration, and that his military service should be more appropriately characterized as Honorable. However, the reason and authority for the applicant's discharge shall remain unchanged.

Attachment: Examiner's Brief

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

FD2005-00204A



(Former MAJ) (HGH MAJ) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a Gen Dish fr Andrews AFB, MD on 24 Aug 02 UP AFR 36-2, Chapter 3, para 3-7d (Resignation In Lieu of Involuntary Discharge) Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

### 2. OTHER FACTS:

- a. See attached cy of Examiner's Brief dtd 4 Aug 04.
- b. The AFDRB reviewed case on 9 Sep 04 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.
- 3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 20 May 05. (Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

### Atch

- 1. Applicant's Issues.
- 2. SAF/MRBR Ltr,8 Oct 04.
- 3. AFHQ Form 0-2077, Decisional Document With Attachments.

28JUN05/ia

May 20, 2005

SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742

Re: Application for the review of discharge; request for personal appearance

Dear Members of the Board:

This letter is submitted to you as an attachment to my application for the review of my discharge from the Air Force of August 24, 1992 (as Item 7 of DD Form 293) and as a request for a personal appearance as detailed below.

I request a hearing (personal appearance) before the Air Force Discharge Review Board (DRB) to clarify and reinforce the evidence of improprieties and inequities in my discharge. I believe my original application, dated 23 Jun 2004, sets out a sound basis for the requested actions: an upgrade of my discharge, the change of reason and authority for discharge, and the change of my reenlistment code. Therefore, I make as part of my request the original application and its attachments submitted in June 2004..

In the following clarification, I will be referring to the original application and the DRB's Rationale of September 9, 2004, FD-2004-00238, also enclosed. Upon reading the decision document, it appears the DRB misinterpreted or did not understand the evidence submitted with my prior application. I trust the following comments and those expressed during a personal appearance will clarify the evidence and rectify any misunderstandings.

I begin by summarizing the basis of my application, in order to place in context my comments about the DRB's Rationale. First, my behavior in the Fall of 1991 through the Spring of 1992 was out of character; i.e. aberrant, as evidenced by the rest of my Air Force career and pre- and post-service activities. Second, my commander failed to understand, address, and present the reason for my aberrant behavior in the discharge proceedings. He erroneously attributed the behavior to alcohol abuse/alcoholism – not a period of depression, of which alcohol abuse was a symptom. Even though his own expert.

explained my condition in 1992 my commander did not include that information in the discharge process as a reason for my aberrant behavior. Third, he ignored the evidence of the root cause of my aberrant behavior either through an innocent failure to appreciate the facts as presented by his own expert or due to prejudice because I was challenging the possibly unethical decisions by hospital staff and commanders. In either event, the discharge was improper and inequitable. Fourth, if the underlying cause of the aberrant behavior had been appropriately addressed, it is too speculative now to determine what would have been

SAF/MRBR May 20, 2005 Page 2 FD2005-00204

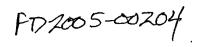
the outcome of my Air Force career; and the most equitable, present remedy is the relief I am herewith requesting.

My comments now refer to the DRB Rationale. Before doing so however, I offer the overarching problem with the Rationale – the Rationale simply misconstrued or ignored the evidence submitted by me. Specifically, it ignored the observations by Colonel (Dr.) then Chairman of Psychiatry at Malcolm Grow USAF Medical Center, that my commander, Dr. Shad ignored Dr. Sexpert opinion about the underlying cause of my aberrant behavior. Similarly, the Rationale ignored the evidence presented by a retired USAF Colonel, some my father, who echoed the explanation – depression – for my behavior and explained to Dr. Statements had a closed mind about my medical condition, confirming Dr. Statements had a closed mind about my medical condition, confirming Dr. Statements. Finally, the Rationale ignored the evidence from my treating physicians, in-service and post-service, that I was experiencing depression, which remained untreated until after my discharge. This misunderstanding of the evidence may be seen in many of the Rationale's comments. I will highlight some of those misunderstandings in the following paragraphs.

For example, as the DRB approached my first issue re: the discharge was improper, the DRB misconstrued the facts. I understand the analysis of my case would begin with the presumption of regularity in the discharge process. That is, all was correct in the diagnosis of the reasons for my conduct and the commander's conclusion that my conduct warranted disciplinary action and discharge. Understandably, the presumption of regularity was reinforced by my failure to dispute the underlying facts during the processing of disciplinary proceedings, and my tender of a resignation in lieu of further discharge procedures. Unfortunately, the Rationale stopped there and ignored the evidence submitted when the DRB concluded all was proper in the discharge process. As a result, the Rationale focused on the misconduct and ignored the evidence of the command's mistakes leading up to the discharge. The DRB ignored, or at least did not address, the clear and convincing evidence of the underlying causes of my misconduct and the command's failure to acknowledge those causes. If the DRB believed my evidence was inaccurate, that is to say that the writers of the documents were not to be believed, the DRB should have stated that was its conclusion, but it did not. No place in the Rationale is my evidence disputed; hence, I must conclude it was misunderstood or ignored. Examples of the DRB's failure to understand the evidence I submitted may be seen in each of the Rationale's paragraphs.

In dealing with the first issue (identified by the DBR as improper command action), the Rationale asserts the Air Force considered the "circumstances of his alcoholism"; and then the Rationale and DRB ignored the evidence of depression as the source of my aberrant behavior, including alcohol abuse. It ignored my law-abiding, pre-fall 1991 behavior as set out in my Air Force records, the expert opinions by psychiatrists (including one who advised my commander), and my post-service accomplishments, all of which indicate my aberrant behavior arose out of a situational depressive state, not "alcoholism." When the Air Force offered rehabilitation efforts, it addressed a symptom, alcohol abuse, not the cause of my aberrant misconduct. My commander dismissed this diagnosis, which was presented to him

SAF/MRBR May 20, 2005 Page 3



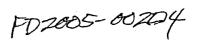
during the initiation of the discharge. Additionally, it was never brought to the attention of the discharge approval authority, SAF/MIB, now SAF/MRB. Hence, the discharge was improper and inequitable.

Similarly, the DRB held against the application the fact they did not retrieve and read my medical records, while ignoring the case file before it. As a result, I must conclude it presumed my application's evidence was inaccurate. This approach to the evidence can be seen in Rationale's various observations. The Rationale refers to a "claimed" depression, despite undisputed, clear evidence of depression from the expert witnesses who observed me at the time of the aberrant behavior and others who successfully treated me for depression after the discharge. Likewise, the Rationale states my application "did not provide any substantive evidence" (emphasis added) that I was singled out, which I was, as shown clearly from Dr. and my father's statements. Dr. ignored the best evidence of the cause of my behavior. One might speculate about all the reasons for Dr. decision to ignore the expertise of Dr. The least critical reason was he made an error by not dispassionately reviewing the information available to him. Equally possible is Dr. desire to remove from his command a "problem," whose questions about certain treatment issues might be difficult to address, if I had been properly treated and returned to duty to raise those same questions. Or, if he thought I had a depression that made me unfit for duty, he realized those issues would have been surfaced if I were referred to a medial board.

Likewise, the DRB's misconception of the nature of the application is seen in the Rationale's statement that criticizes the application for not suggesting "each of (my) infractions was a result of arbitrary and capricious acts or personality conflicts." The application shows the commander's reaction to my infractions was improper and inequitable. The command did not offer the appropriate rehabilitation regimen when it addressed only the symptom of depression (alcohol abuse) while ignoring the expert opinion of Drame. I would suggest that if my commander were anything other than another medical doctor, the DRB would not have dismissed the expert opinions of the correct course of treatment. As Dr. explained the improper treatment, being maintained in "the locked psychiatric ward without specific diagnosis or treatment" only aggravated my "difficulties." Dr. decisions may not have arisen to "prejudicial error," such as a failure to provide me my procedural rights, but it was "an abuse of ...authority... (this) may have contributed to the decision to discharge or the characterization of service." (DoDI 1332.28, paragraph E4.3.3.2.3)

Additionally, I cannot overlook the Rationale's suggestion that it was incumbent upon me, whose perception of the world at that time was very skewed (see my father's letter), to seek additional assistance from such agencies as the chaplain, Family Support Center, and Mental Health regarding my "stress." In retrospect those "self-help" choices may have been rational and beneficial. Nevertheless this suggestion however, indicates the DRB failed to appreciate the nature of my mental health at the time, even though my discharge and application show I was not acting rationally. But, I suggest it was equally incumbent upon my command to make or suggest such referrals. In the "normal" situation where an Air

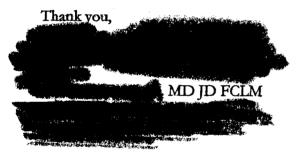
SAF/MRBR May 20, 2005 Page 4



Force member displays such aberrant behavior as mine, the command would have done so. Therefore, I aver the DRB did not appreciate the evidence of my depression and my commander's failure to offer proper assistance from such resources, such as the chaplain, is further evidence I was treated inequitably. [Moreover, the Rationale's suggestion is particularly ironic: when I did seek Mental Health assistance, Drate advice to Dr. vas ignored.]

Finally, the Rationale's dismissal of my post-service activities is disappointing. It simply states those activities do "not provide a basis of inequity or impropriety..." Such a conclusion ignores two principles governing the DRB. First, it ignores the fact such activities may be considered as they more fully contrast my misconduct at that time. In this regard, my post-service activities reinforce my actions leading up to my discharge were aberrant and indicate my commander did not fully explore and appreciate the nature of my condition. Second, those activities support further the expert evidence that my depression, not alcoholism, was the source of my behavior. Since the Rationale did not address those issues, I must assume the DRB ignored them.

Due to these various misunderstandings or the failures to appreciate the evidence submitted with my application, I desire to present the evidence to the Board in person, explain it and answer any lingering misunderstandings about the impropriety and inequity of my discharge.



Enclosures: As stated

FD2005-00204

FD2004-00238

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



(Former MAJ) (HGH MAJ)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr Andrews AFB, MD on 24 Aug 02 UP AFR 36-2, Chapter 3, para 3-7d (Resignation In Lieu of Involuntary Discharge). Appeals for Honorable Discharge, and to Change the Reason and Authority for Discharge.

#### 2. BACKGROUND:

- a. DOB: 19 Jan 56. Enlmt Age: 23 6/12. Disch Age: 36 7/12. Educ: Doctorate. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 09326 General Practice Physician. DAS: 13 Jun 91.
  - b. Prior Sv: (1) ANG 26 Jul 79 6 Jun 80 (10 months 11 days) (Inactive).
- (2) Appointed 2Lt in USAFRes 18 Dec 80. Ordered to active duty 24 Mar 81. Svd: 6 yrs 7 months 29 days, of which AMS is 6 yrs 4 months 23 days. 1Lt Unknown. Capt 24 Mar 81. Maj 1 Jul 87. OERs: 1,1,1,1,1,1,1.

### 3. SERVICE UNDER REVIEW:

- a. Ordered to EAD as Maj 13 Jun 91. Svd: 1 Yrs 2 Mo 11 Das, all AMS.
- b. Grade Status: None.
- c. Time Lost: None.
- d. Art 15's: (1) 2 Jul 92, Andrews AFB, MD Article 86. You, did, on or about 21 Jun 92, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1050, Ward 4B. Forfeiture of \$300.00 pay per month for two months. (Appeal/Denied) (No mitigation)
  - (2) 13 Mar 92, Andrews AFB, MD Article 86. You, did, on or about 20 Oct 91, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1050, as the surgery intern on-call. Article 86. You, did, on or about 0730 hours on 28 Feb 92, without authority, absent yourself from your unit, to wit: Malcolm Grow USAF Medical Center, and did remain so absent until on or about 0900 hours, 2 Mar 92. Article 133. You did, on or about 11 Nov 91, with intent to deceive, wrongfully and dishonorably make to Lt Cohestate and the statement was totally false and was known by you to be false, said conduct unbecoming an officer and gentleman. Forfeiture of \$900.00 pay per

FD2005-00204

FD2004-00238

month for two months. (No appeal) (No mitigation)

- e. Additional: (Examiner's Note: The following infractions are listed in the Notification Memorandum).
  - 1. Between o/a 30 Jul 91 & o/a 27 Aug 91 Failure to go.
  - 2. At divers times, between o/a 23 Oct 91 & o/a 19 Nov 91 Failure to go.
  - 3. Between o/a 23 Oct 91 & o/a 19 Nov 91 False official statements.
  - 4. On or about 11 Nov 91 False official statement.
  - 5. On or about 12 May 92, was, while enrolled in an alcohol rehabilitation program, drunk.
  - 6. On or about 1 Jun 92, was, while enrolled in an alcohol rehabilitation program, drunk.
- f. CM: None.
- q. Record of SV: None.
- h. Awards & Decs: MSM W/1 OLC, AFCM, AFAM, NDSM W/1 OLC, AFOUA W/2 OLCS, AFOSSTR, AFLSAR W/1 OLC, SAEMR W/1 BS, AFTR.
  - i. Stmt of Sv: TMS: (8) Yrs (8) Mos (22) Das TAMS: (7) Yrs (7) Mos (5) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Jun 04. (Change Discharge to Honorable, and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

### ATCH

- 1. Applicant's Issues.
- 2. Justification.
- 3. Letters & Documentation.
- 4. U.S. Government Service Documentation.

4AUG04/ia

FD2005-00204



## DEPARTMENT OF THE AIR FORCE MALCOLM GROW USAF MEDICAL CENTER (AMC)

6 June 92

FROM: MGMC/SG

45.100 Carlot 1965年 - 第二

Andrews AFB DC 20331-5300

SUBJ: Notification of Action Under AFR 36-2

T0:

MGMC/SGE Major,

1. I am initiating action against you under AFR 36-2, Chapter 3, paragraph 3-7d.

- -2. I am taking this action for the following reasons:
- You did, at Andrews Air Force Base, Maryland, between on or about 30 July 1991, and on or about 27 August 1991, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1050, for Emergency Room duties.
- Box Spray Yourdid, at Andrews Air Force Base, Maryland, on or about 20 October 1991, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 1050, as the surgery aintern on call.
- wackay You did, at the National Naval Medical Center, Bethesda, Maryland, at divers times, between on or about 23 October 1991 and on or about 19 November 1991, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Department of Obstetrics and Gynecology.
- d. You did, at the National Naval Medical Center, Bethesda, Maryland, between on or about 23 October 1991 and on or about 19 November 1991, with intent to deceive, make to Dr. an official statement, to wit: that you had been placed on quarters for illness and that your father had died, which statements were totally false and were then known by you to be so false.
  - e. You did, at Andrews Air Force Base, Maryland, on or about 11 November 1991, with intent to deceive and for the purpose of securing leave, make to Lt Col statement, to wit: that your father had died, which statement was totally false and was then known by you to be so false.
  - f. You did, at Andrews Air Force Base, Maryland, on or about 28 February 1992, without authority, absent yourself from your unit, to wit: Malcolm Grow USAF Medical Center located at Building 1050, Andrews Air Force Base, Maryland, and did remain absent until on or about 2 March 1992.

h. You were, at Andrews Air Force Base, Maryland, on or about 12 May 1992, while enrolled in an alcohol rehabilitation program, drunk.

i. You were, at Andrews Air Force Base, Maryland, on or about 1 June 1992, while enrolled in an alcohol rehabilitation program, drunk.

Attached are copies of documentary evidence to support this action. The worst possible discharge that may be approved for the reasons cited is under other than honorable conditions.

- 3. Familiarize yourself with AFR 36-2, particularly paragraph 4-10, which outlines the rights afforded you in this action, and paragraph 4-13, which explains the action the major commander may take on receipt of your reply to this correspondence. Contact Capt the Area Defense Counsel at 6519, to discuss the procedures involved and your rights and options. If you decline legal counsel, contact Capt at 4407, 89 MSSQ/MSP Chief, CBPO for counseling regarding your rights and options.
- 4. Within 15 calendar days after your receive this correspondence, you may:
- a. If eligible to retire, apply for voluntary retirement to be effective on the first day of the month immediately following notification of approval by the Secretary of the Air Force. If less than 15 calendar days between the date your are notified and the first day of the month following notification, the effective date of your retirement will be the first day of the second month after notification. If you have 20 or more years of active military service but you do not have the required minimum 10 years of active commissioned service to qualify for retirement in officer status, you may apply for separation under the provisions of AFR 36-12, table 2-7, rule 1, to enlist for the purpose of retirement in the enlisted grade in lieu of further action under AFR 36-2.
- b. If ineligible to retire, tender your resignation according to AFR 36-12, table 2-7, rule 1, to be effective within 10 calendar days following notification of acceptance by the Secretary of the Air Force. By tendering your resignation you will be disqualified for separation or readjustment pay if you are otherwise qualified to receive such pay. If you tender your resignation, it will be with the understanding that, if accepted, you will receive a under other than honorable conditions discharge, unless the Secretary of the Air Force determines that you will be honorably discharged.
- c. Submit any written statement or other documentary evidence that you feel should be considered in evaluating your case. If you are unable to prepare your statements or documentary evidence within the



\$ FD2005-00288

time specified above, you may request more time as outlined in AFR 36-2, paragraph 4-12.

- 5. Within 15 calendar days after you receive this letter, send it without attachments, by endorsement directly to HQ AMC/DPAFQ. Include in your endorsement:
  - a. A statement that you have/have not:
    - (1) Applied for voluntary retirement, or
    - (2) Tendered your resignation.

If you apply for voluntary retirement or tender your resignation, attach a copy of your application to this endorsement.

- b. A statement that you do/do not desire to comment. If you desire to comment, you may attach any statements or documentary evidence you want to submit. If you have requested more time as outlined in paragraph 4c of this letter, attach a copy of your request.
- c. A statement that you have been counseled by Capt the Area Defense Counsel. If you decline legal counsel, so state and indicate that you have been counseled by Capt Chief, CBPO and that you fully understand your rights and options in this action.
- d. You may request to be placed on excess leave provided processing of this separation action no longer requires your presence. AFR 35-9 provides guidance on excess leave.
- 6. Within 24 hours after you receive this correspondence, sign and date two copies of the letter of acknowledgment. Send one copy to this headquarters and one copy to HQ AMC/DPAFQ.



Brigadier General, USAF, MC Commander 4 Atchs

1a-1. Evidence

2. AFR 36-2

3. AFR 36-12

4. Letter of Acknowledgment (2 cys)

