

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE AIC	AFSN/SSAN ████████████████				
TYPE GEN		PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	No	DAV		██			
X							
MEMBER SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
██			X+				
██			X+				
██			X+				
██			X+				
██			X+				
ISSUES	A94.06	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	27 Dec 2005	CASE NUMBER	FD-2005-00252				
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.							
+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY							
SIGNATURE OF BOARD MEMBER ██				SIGNATURE OF BOARD PRESIDENT ██			
INDORSEMENT				DATE: 12/28/2005			
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-2005-00252

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

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: The Board grants partial relief. The discharge is upgraded to Honorable and the Reason and Authority for discharge is changed to Secretarial Authority. The RE Code will not be changed.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's discharge and reason and authority for discharge inequitable.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for failure to go. He also received three Letters of Reprimand for being late for duty on several occasions, lying, and failure to go on four occasions. The Board noted the member's misconduct all occurred after the 26 Jun 96 Kobar Towers bombing. The record confirms the applicant was present during the bombing and has suffered from Post Traumatic Stress Disorder because of this. The medical record clearly indicates the applicant was treated for sleep problems, depression and anxiety disorder. The DRB opined that because of these actions and the medical documentation, the discharge under General conditions for a Pattern of Misconduct was inequitable.

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, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority under the provisions of Title 10, USC 1553.

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 Offutt AFB, NE on 13 Jan 98 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. BACKGROUND:

a. DOB: 16 Sep 76. Enlmt Age: 17 2/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-60, E-77, G-76, M-55. PAFSC: 2S031 - Supply Apprentice. DAS: 12 Mar 95.

b. Prior Sv: (1) AFRes 20 Nov 93 - 01 Nov 94 (11 months 13 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 02 Nov 94 for 4 yrs. Svd: 03 Yrs 02 Mo 12 Das, all AMS.

b. Grade Status: A1C - 14 Nov 97 (Article 15, 14 Nov 97)
SrA - Unknown
A1C - 02 Mar 96
Amn - 02 May 95

c. Time Lost: None.

d. Art 15's: (1) 14 Nov 97, Offutt AFB, NE - Article 86. You, did, on or about 4 Nov 97, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (Appeal/Denied) (No mitigation)

e. Additional: LOR, 08 OCT 97 - Failure to go on four occasions.
LOR, 18 AUG 97 - Late for duty on several occasions and lying.
LOR, 16 JAN 97 - Late for duty.

f. CM: None.

g. Record of SV: 02 Nov 94 - 01 Jul 96 Offutt AFB 5 (Initial)
02 Jul 96 - 01 Dec 96 Offutt AFB 5 (CRO)
02 Dec 96 - 01 Dec 97 Offutt AFB 2 (Annual) **REF**

h. Awards & Decs: AFAM, AAM, AFTR, NDSM, SAEMR, AFEM, AFOUA W/VALOR W/3 DEVS, AFGCM.

- i. Stmt of Sv: TMS: (4) Yrs (1) Mos (25) Das
TAMS: (3) Yrs (2) Mos (12) Das

- 4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Feb 03.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.
- 2. Three Letters of Explanation in Response to Discharge Action.
- 3. DD Form 214.
- 4. Three Enlisted Performance Reports.
- 5. Eight Performance Feedbacks.
- 6. Discharge Documents.
- 7. Two Certificates of Appreciation.
- 8. Sharp Troop Award.
- 9. Five Letters of Appreciation.

3AUG05/ia

Veteran's Personal Statement of Case

The evidence that I will present to you will show a step-by-step account of my actions before and after the bombing of the barracks at King Abdul -Aziz Air Base in Saudi Arabia. It will clearly show my actions and the actions of the medical personnel at Ehrling Bergquist Hospital and that they had misdiagnosed me. This resulted in my early discharge. It will also show the diagnosis by Dr. [REDACTED] that clearly shows the problems that I suffer from today resulted from the bombing of the barracks.

I went through a traumatic experience that forever changed my life. I know now that I have a life long mental illness. I know that this illness will lead me down a bumpy road from time to time. I know that I have to try harder than most people do, just to get up every day and accomplish the normal things that life requires. I only want people to know that it was the illness and not anything intentional on my part. I wanted to serve in the armed forces just as my father did in Vietnam and his father did in WWII. I never thought that I, one so young, could ever succumb to such an illness.

When I look back at my Air Force career, I feel very good about my accomplishments. It made me a better person, determined to tackle the problems that I would face in the future. It has also made me aware of my need to help other veterans with disabilities. I will always be grateful to the Air Force for the values that they instilled in me.

I beg you all to consider my request to upgrade my discharge to honorable and remove misconduct as the narrative from my DD Form 214. I am also requesting for a reinstatement of my rank of Senior Airman, E-4 to my DD Form 214. I therefore ask you to review the records I have sent very carefully. I thank you for your time and your most gracious consideration.

I was stationed at King Abdul-Aziz Air Base, Saudi Arabia on TDY assignment 13APR96-17JUL96 from Offutt AFB, Nebraska. While in Saudi Arabia I was awarded the Air Force and Army Achievement medals for my work in Base Supply Equipment Management section. I also received other awards and citations from base groups. I was returning from supper in downtown Dhahran, Saudi Arabia, when upon exiting our vehicle, a bomb exploded. The terrorists had detonated and destroyed the barracks next to us. This was 26JUN96. Approximately three weeks later, I returned to my permanent duty station of Offutt AFB. I never received any type of counseling or mental health screening until I went to see the doctor on my own. After returning, I started feeling bad. I found myself in a new job eight months later in Base Supply Customer Service. I found it difficult to get up in the morning and was unable to get to sleep at night (see medical records from 29JAN97). I went to the base hospital, Ehrling Bergquist, at which time PA [REDACTED] saw me and said that I was suffering from depression and prescribed me Zoloft. This is an antidepressive medication and was to be taken for thirty days, which I complied with. There was no other appointment made at this critical time, nor was I referred to the Mental Health clinic. As you can see in the records I submitted, I went voluntarily to the Base Mental Health clinic for treatment.

In the mean time, I began to fall apart. I had a negative view of myself and began loosing all of my self-confidence. I was having worse problems falling asleep at night and could not wake in the morning. When I slept, it was for prolonged periods of time. When I awoke in the morning, I felt worn out and had great anxiety just getting out the door of my room. I began sleeping way past the time set for my duty hours and was unable to get dressed and proceed with normal activities. I kept failing to show up on time at my duty station and was getting sicker by the day.

The Mental Health clinic diagnosed me with a sleeping disorder. I knew something else was wrong, but was unable to describe my feelings and what was going on in my mind. To put it bluntly, I was afraid I was loosing my mind; I couldn't shut off the thoughts that kept racing through my brain. No matter what I did, I could not rid myself of the depression.

There is no evidence in the records I have that show I was not in the barracks at the appropriate time to go to sleep. I have enclosed a sleep diary to show you that I did cooperate with the attending doctors. I also bought a special lamp timer that I hooked up as part of the treatment program. At the same time, I was receiving financial counseling from Family Services with

[REDACTED] about my financial problems. It seemed that the doctors were focusing on the insomnia as the problem and not addressing my depression that I was suffering from rather than a sleeping disorder (see mental health records 7OCT97).

I tried desperately to live up to my commitment to the Air Force. I tried to participate in my normal duty functions. But by this time, I was up for disciplinary actions (see letter of response Art.15). I tried my best, but was unable to overcome the depression. It was ruining my career in the Air Force. Again this deepened my depression and I continued my downward decent. I was afraid that I was not going to live through it. I just wanted to feel good again and regain my life prior to Saudi Arabia. If the doctors at Ehrling Bergquist Hospital had sent me to someone else for an outside referral that I had requested (see mental health records 19NOV97), they would have found out that I was truly suffering from depression and PTSD. You can understand I was a young man of nineteen dealing with my feelings and emotions that I could not understand. I was having an equally difficult time explaining them to the doctors. Worse yet, I was the one living with this.

At this point I was up for an administrative discharge. I was discharged for misconduct upon leaving the service with a General Under Honorable Conditions on 13JAN98. It is ridiculous to think that I would purposely sabotage my own career when I was doing so well in the Air Force. Proof of this can be seen in my performance reports and awards that I have enclosed for your review. These items reflect that, until I became ill, I was more than the average airman. That is something I am extremely proud of.

I began receiving services at the Omaha Veterans Administration Medical Center on 8JUL98. I was assigned to the Mental Health clinic after being screened in the Urgent Care area. Dr. [REDACTED] referred me to the PTSD clinic after I told him of my experience in Saudi Arabia. Immediately they began testing for PTSD. It was then that Dr. [REDACTED] told me I was suffering from a mental illness. This illness I known as Manic-depression(bipolar) and PTSD. Another item that should have alerted the doctors at Ehrling Bergquist to the bipolar condition was my out of control spending habits. This and the sleeping problems together should have led the doctors to the correct diagnosis. As you can see on the Fact Sheet provided, this is one of the primary symptoms of this illness.

I beg of you to carefully review the evidence I have presented to you.

I am requesting that 1) upgraded discharge to honorable, 2) remove narrative of misconduct-item #28 on DD Form 214, and 3) reinstate my previous rank of SrA, E-4, item #4 on DD Form 214.

I was awarded my service connection on 11JAN99. I have a rated condition for the bipolar. This was decided following an extensive testing and treatment by staff of the PTSD clinic lead by Dr. [REDACTED]. He was a physician at the time at the Omaha VAMC. A letter from him is included in the evidence that I am presenting to you. This is for your inspection and to support my claim of poor treatment at the Ehrling Bergquist Hospital at Offutt Air Force Base, in requesting my discharge upgrade. Thank you for your time and consideration.



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

MEMORANDUM FOR A1C [REDACTED]

5 JAN 98

FROM: 55 SUPS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Misconduct--Pattern of Misconduct. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending a general discharge.

2. My reasons for this action are:

a. On or about 16 January 1997, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: sickcall. For this incident, you received a letter of reprimand, dated 16 January 1997. (Atch 1-1)

b. On or about 18 August 1997, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 321 or Honor Guard practice.

c. On or about 18 August 1997, with intent to deceive, you did make a false official statement, to wit: you were at honor guard practice, which said statement was totally false and was then known by you to be false.

For the incidents in subparagraphs (b) and (c), you received a letter of reprimand, dated 18 August 1997. (Atch 1-2)

d. On or about 2 October 1997, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 321.

e. On or about 25 September, 26 September, and 29 September 1997, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building D.

For the incidents in subparagraphs (d) and (e), you received a letter of reprimand, dated 8 October 1997, and an unfavorable information file was established. (Atch 1-3)

f. On or about 4 November 1997, you did, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 302. For this incident, you received nonjudicial punishment, dated 14 November 1997, consisting of reduction to the rank of airman first class. (Atch 1-4)

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. If you are discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.

3. 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, Bldg 323C, RM 302, Phone 4-3939, at 0930 on 6 JAN 98. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 8 JAN 98 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a medical examination. You must report to the 55th Medical Group, Family Practice Section at 1440 on 5 JAN 98 for the examination.
7. You have been scheduled for an initial separations appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 0900 on 6 JAN 98 with your escort.
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 unit orderly room.
9. Execute the acknowledgment provided and return it to me immediately.

[REDACTED]
[REDACTED] Lt Col, USAF
[REDACTED] Commander, 55th Supply Squadron

Attachments:

Atch 1-1; Letter of reprimand, 16 Jan 97
 Atch 1-2; Letter of reprimand, 18 Aug 97
 Atch 1-3; Letter of reprimand/UIF, 8 Oct 97
 Atch 1-4; Nonjudicial punishment, 14 Nov 97
 Other Documents: Memo for 55 SUPS/CC, 7 July 95; memo for 55 SVS/SVXM, 24 Jan 96;
 memo for 55 SUPS/CCF, 26 Mar 96; memo for 55 SUPS/CCF, 25 Sept 96; memo for
 55 SUPS/CCF, 26 Sept 97; memo for 55 SUPS/CCF, 29 Sept 97; memo for 55 SUPS/CCF,
 2 Oct 97; memo for 55 SUPS/CCF, 4 Nov 97; memo for 55 SUPS/CCF, 14 Nov 97.