

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | GRADE AMN | AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> |
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|-----------------|----------|-------------------------------------|--|----------------------|
| TYPE HON | X | PERSONAL APPEARANCE | | RECORD REVIEW |
| COUNSEL | | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL | |
| YES | No | | | |
| | X | | | |

| MEMBER SITTING | VOTE OF THE BOARD | | | | |
|---|-------------------|-----|-------|-------|------|
| | HON | GEN | UOTHC | OTHER | DENY |
| <div style="border: 1px dashed black; height: 100px; width: 100%;"></div> | | | | | X |
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| ISSUES | A94.05 | INDEX NUMBER | A67.50 | 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 HE | |

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| HEARING DATE | CASE NUMBER | |
| 14 Nov 2006 | FD-2005-00086 | |

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in Washington, D.C. via video teleconference with Travis AFB, CA.

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.

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| INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742 | DATE: 11/14/2006 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 |
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00086

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Travis AFB, CA via video-teleconference with Andrews AFB on 14 Nov 2006.

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 was too harsh. The records indicated the applicant received seven Letters of Counseling, four Letters of Reprimand, an Article 15, and a Vacation action for misconduct that included repeatedly reporting late for work, sleeping on duty, making a false official statement, leaving the local area while on telephone standby, failing to return a borrowed car, uniform violation, and failure to have car insurance. The applicant attributed his problems to depression due to the stress of military service, financial problems related to a large debt he incurred prior to entering service, being away from home and relationship problems with his girlfriend. During testimony, the applicant reported that he had experienced problems with depression since age 15. Evidence of the record and testimony revealed difficulties with college and employment during the four years following graduating from high school leading up to the time of enlistment into the Air Force. While the applicant attributed reporting late and sleeping on duty to depression, in testimony he admitted many of these instances were related to use of alcohol and working off duty jobs to pay his pre-service incurred debt. Review of medical documentation confirmed appropriate medical evaluations including mental health evaluation that concluded he was responsible for his conduct. Evidence of the medical record did not show that his mental health provider considered his symptoms of depression warranted disability evaluation, and at the time of separation medical examination the applicant reported feeling well. The applicant felt that his unit did not offer any help but the Board noted that the applicant was provided financial counseling, alcohol abuse counseling, and mental health counseling. The board noted multiple instances in the service medical record when the applicant declined help recommended by health care providers. After considering the applicant's assertions, the evidence of the record and testimony, the Board concluded that many instances of misconduct were clearly unrelated to his feelings of depression and that his reporting late and sleeping on duty were predominantly due to poor judgment and misuse of alcohol. The DRB opined that through the administrative actions on the part of his supervisors and the help offered through medical and other base agencies, 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**

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Offutt AFB, NE on 2 Jun 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Aug 79. Enlmt Age: 21 11/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-90, E-84, G-84, M-76. PAFSC: 2T251 - Air Transportation Journeyman. DAS: 18 Feb 03.

b. Prior Sv: (1) AFRes 1 Aug 01 - 15 Aug 01 (14 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 16 Aug 01 for 4 years. Svd: 01 Yrs 09 Mo 18 Das, all AMS.

b. Grade Status: Amn - 21 Oct 02 (Vacation of Suspension, 10 Apr 03)

c. Time Lost: None.

d. Art 15's: (1) 10 Apr 03, Vacation, Offutt AFB, NE - Article 86. You did, on or about 13 Mar 03, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. (No appeal) (No mitigation)

(2) 21 Oct 02, Offutt AFB, NE - Article 86. You did, on or about 23 Sep 02, without authority, fail to go at the time prescribed to your appointed place of duty. You did, on or about 24 Sep 02, without authority, fail to go at the time prescribed to your appointed place of duty. Article 92. You, who knew it was your duties, on divers occasions, between on or about 26 Aug 02 and on or about 29 Aug 02, were derelict in the performance of those duties in that you negligently failed to refrain from sleeping while on duty, as it was your duty to do. Suspended Reduction to Amn. Fourteen days extra duty and Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 6 MAY 03 - Failure to comply with law by not having insurance on your car.
LOC, 1 APR 03 - Failure to comply with Air Force Dress and Personal Appearance.
LOR, 1 APR 03 - Making a false official statement.

LOC, 19 MAR 03 - Failure to go at the time prescribed.
LOR, 1 JUL 02 - Dereliction of duty.
LOR, 26 APR 02 - Borrowed a Car and failed to return it in
a timely manner.
VC, 18 APR 02 - Late to work.
LOC, 19 APR 02 - Multiple time you failed to go at the time
prescribed.
LOC, 17 FEB 02 - Left the local area while on phone
standby.
LOC, 18 DEC 01 - Late for Class.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (01) Das
TAMS: (01) Yrs (09) Mos (18) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 16 Feb 05.
(Change Discharge to Honorable.)

Issues Attached to Brief.

ATCH

1. Applicant's Issues.
2. Copy of DD Form 214.
3. Extracts from Medical Records.
4. Character Reference.

20MAY05/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:

Clinical Depression Diagnosis from Dr. _____

b. DOCUMENT 2:

Mental Health Records between the time periods of 19JAN02 - 02JUN03

c. DOCUMENT 3:

A character letter addressed from _____ my former elementary school principle and Marine veteran.

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.

I would like to have the board review my general under-honorable-conditions discharge based on my medical evidence documenting my frequent visits to the mental health facility between the time period of 16JAN02 - 03JUN03 and the doctors diagnosis of clinical depression caused by my military service. I believe my type of discharge was inequitable considering my command was aware I was suffering from depression but denied my leave when I had requested it to regroup myself. They chose instead to discharge me due to misconduct which I attest to be caused by my depression causing my lack of focus and ability to do my duties. I currently suffer from depression caused by my military service which is causing a lot of pain and suffering in my life. I feel my health is getting worse and I am finding it hard to want to wake up and live, and my ability to focus has gotten worse. I am being denied VA help because my service was a year and 9 months, and not the 2 years required to receive VA help. Please review my case and help determine if my discharge is inequitable or if a medical or honorable discharge would be warranted. I would like legal representation but cannot afford it, nor can I find anyone to help. I have contacted many veteran related services including American Legion, The California Department of Veteran Services, Sacramento County Veterans Services, Veteran Services Center, Mather AFB VA Hospital, Mather AFB Mental Health Facility, Legal Aid Society, Swords To Plow Shares, and Travis AFB. Barbara Boxer, a United States Senator from California agreed to help me with my case and may be involved with my case. Thank you very much for your consideration in this matter.

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)

20050216

b. SIGNATURE

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 (See http://arba.army.pentagon.mil) | Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023 | SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742 | Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001 |



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

19 MAY 03

MEMORANDUM FOR AMN: [REDACTED]; 55 OSS

FROM: 55 OSS/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 AFD 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 that your service be characterized as general.

2. My reasons for this action are:

a. On 13 December 2001, you were late for duty. In addition, you were late for roll call on 18 December 2001. For these incidents you received a Letter of Counseling, dated 18 December 2001. (Atch 1-1)

b. On 17 January 2002, you left the local area while on telephone stand-by, despite being instructed to remain in the local area. For these incidents you received a Letter of Counseling, dated 17 February 2002. (Atch 1-2)

c. On 15 April 2002 and 19 April 2002, you were late for duty. For these incidents you received a Letter of Counseling, dated 19 April 2002. (Atch 1-3)

d. On 8 April 2002, you borrowed a car from another airman and failed to return her car on time. For this incident you received a Letter of Reprimand, undated, but receipted for on 26 April 2002. (Atch 1-4)

e. On 26 June 2002, you were sleeping on duty. For this incident you received a Letter of Reprimand, dated 1 July 2002. (Atch 1-5)

f. On 26 August 2002 and 29 August 2002, you were sleeping on duty. On 23 September 2002 and 24 September 2002, you were late for duty. For these incidents you received Nonjudicial Punishment, dated 21 October 2002, consisting of a suspended reduction to the grade of Airman, fourteen (14) days extra duty, and a reprimand. In addition, an Unfavorable Information File (UIF) was established. (Atch 1-6)

g. On 13 March 2003, you were late for duty. For this incident you received a Letter of Counseling, dated 19 March 2003. (Atch 1-7)

h. On 13 March 2003, you were late for duty. For this incident you received Vacation of Nonjudicial Punishment, dated 10 April 2003, consisting of reduction to the grade of Airman with a new date of rank of 21 October 2002. (Atch 1-8)

i. On 21 March 2003, you lied in an attempt to move off base. For this incident you received a Letter of Reprimand, dated 1 April 2003. (Atch 1-9)

j. On 1 April 2003, you failed to adhere to proper dress and personal appearance by failing to wear your nametag and tie with your service dress uniform. For this incident you received a Letter of Counseling, dated 1 April 2003. (Atch 1-10)

k. On 2 May 2002, you lied about whether your car had the proper insurance. For this incident you received a Letter of Reprimand, dated 6 May 2003. (Atch 1-11)

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

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: _____, Bldg 323C, Room 302, Phone 4-3939, at 0930 on 20 May 03. 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 by 22 MAY 03 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements on 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 the 55th Medical Group, at 1300 on 19 May 03 for the examination. Please pick up your medical records prior to your appointment.

8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 1000 on 19 May 03 with your escort.

9. 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.

10. Execute the acknowledgment provided and return it to me immediately.

Commander, 55th Operations Support Squadron

Attachments:

- Atch 1-1; LOC, dated 18 Dec 01
- Atch 1-2; LOC, dated 17 Feb 02
- Atch 1-3; LOC, dated 19 Apr 02
- Atch 1-4; LOR, undated, receipted for 26 Apr 02
- Atch 1-5; LOR, dated 1 Jul 02
- Atch 1-6; NJP/UIF, dated 21 Oct 02
- Atch 1-7; LOC, dated 19 Mar 03
- Atch 1-8; Vac of NJP, dated 10 Apr 03
- Atch 1-9; LOR, dated 1 Apr 03
- Atch 1-10; LOC, dated 1 Apr 03
- Atch 1-11; LOR, dated 6 May 03