

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF APPLICANT (LAST, FIRST, MIDDLE INITIAL)	GRADE	
	AMN	
TYPE HON <input checked="" type="checkbox"/>	<b>PERSONAL APPEARANCE</b>	
	<b>RECORD REVIEW</b>	

<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<input checked="" type="checkbox"/>	

MEMBER SITTING	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X

ISSUES A93.01 A92.01 A94.05	INDEX NUMBER A67.50															
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE</td></tr> </table>	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
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HEARING DATE 27 Jan 2006	CASE NUMBER FD-2005-00106	
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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.

	SIGNATURE
	DATE

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2005-00106**

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference at Andrews AFB on 27 Jan 2005. The following witnesses also testified on the applicant's behalf: Mrs (her mother).

The following additional exhibits were submitted at the hearing:

- Exhibit #6: Memorandum from member 30 Sep 04
- Exhibit #7: Memorandum from CMS \_\_\_\_ 28 Jun 04
- Exhibit #8: Memorandum from MSG \_\_\_\_ 21 Jun 04
- Exhibit #9: E-mail message from Ms \_\_\_\_ 29 Sep 04
- Exhibit #10: Memo for Record from SrA \_\_\_\_ 26 Jan 06
- Exhibit #11: Memorandum from Capt (Dr.) \_\_\_\_ 12 Aug 04
- Exhibit #12: Members statement 30 Sep 04
- Exhibit #13: Notes by applicant's mother, Aug 2004, 10 pages
- Exhibit #14: Essay by applicant, October 1997

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

**FINDINGS:** Upgrade of discharge to Honorable 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:** The applicant contends her discharge was too harsh due to mitigating circumstances including family problems and personal losses, depression and alcohol abuse. She asserts she was unfairly singled out and harshly punished by her supervisor and in turn, her chain of command. She asserts her chain of command mishandled her case. The records indicate that the applicant received 2 Letters of Admonishment, 5 Letters of Reprimand, 2 Articles 15, and a Vacation Action for repeated failure to go, failure to obey, and dereliction of duty.

Issue 1: The applicant contends her discharge was too harsh due to mitigating circumstances including family problems and personal losses, depression and alcohol abuse. Evidence of the record shows a diagnosis of recurrent depression while in service and she testified that she had experienced recurrent depressed mood since adolescence and had been treated by mental health professionals including with medication prior to entering the Air Force. Although she experienced transient depressed mood at the time of her boyfriend's death in December 2002, she testified that incidents of reporting late for duty occurring several months later in 2003 were not related to symptoms of depression or alcohol use. The applicant also testified that incidents of reporting late and duty performance difficulties in the early part of 2004 were not related to use of alcohol or feeling depressed, but rather were due to miscommunication, poor management by her supervisor and being singled out for the same behavior and conduct that was tolerated in her co-workers. She testified that alcohol use became a problem approximately two weeks before she sought help in the mental health clinic following receipt of a Letter of Admonishment for poor duty performance of three months duration. The applicant denied using alcohol following completion of alcohol rehabilitation and attributes subsequent incidents of failure to go to medication side effects. In her written responses to disciplinary action by her supervisors and commander, the applicant asserted side effects from medications that were initiated only a few days before the incidents; however, service medical records show treatment

with these medications for over two months without complaint of side effects prior to the incidents.

Issue 2: The applicant asserts she was unfairly singled out by her supervisor for punishment and in turn, by her chain of command. She states she was singled out for the same behavior and conduct that was tolerated in her co-workers. Although the applicant now testifies to this issue, she did not raise this as an issue at any of the times that she made written responses to disciplinary actions, her referral enlisted performance report or in her response to discharge action. The applicant's testimony did not add any further clarity to the evidence of the record.

Issue 3: The applicant contends her chain of command mishandled her case. Evidence of the record shows that the applicant was provided medical care and sent for intensive alcohol rehabilitation treatment, that her commander participated in treatment team meetings with her mental health treatment team and afforded her an opportunity for a second chance through correctional custody. The applicant consulted legal counsel and provided her commander with written responses that she testified were prepared with the assistance of legal counsel. The applicant argues now that she should have received a medical discharge instead of an administrative discharge. She asserts that during a one week hospital stay at an Army hospital that immediately followed her last Article 15 action, her Army psychiatrist stated that medical discharge was indicated. However, there is no documentation in the medical record including by her Air Force psychiatrist, or in the discharge package that raises this as an issue. Evidence of the record indicates her psychiatrist was aware of her administrative difficulties and that her mental health treatment team communicated with her commander; however, there is no evidence that a recommendation for medical discharge was made or contemplated. Available service medical records indicate that her depressive symptoms were assessed as mild by mental health providers. Furthermore, this was not an issue that the applicant raised with her commander at the time of her discharge.

Issue 4: The applicant states that she was a good airman and that the positive aspects of her career outweighed the bad. The DRB took note of the applicant's duty performance as documented by her performance reports and noted excellent duty performance as annotated in her first Enlisted Performance Report (EPR) which closed out 29 May 2003. However, the Board found the misconduct offset any positive aspects of the applicant's duty performance as documented in the applicant's second EPR which closed out 29 May 2004.

Issue 5: Applicant contends that she should not be penalized indefinitely for a mistake she made when young. The DRB recognized the applicant was 23 years of age when the discharge took place. However, there is no evidence she was immature or did not know right from wrong.

The Board, after reviewing the evidence of the personnel record, medical record and testimony by the applicant did not conclude that the preponderance of the evidence showed that depression or alcohol abuse caused her misconduct or that she was singled out by her entire chain of command for offenses that were allegedly tolerated and went unpunished in her peers. There was insufficient evidence to show that medical evaluation board was indicated as life skills documentation in the medical record reflected mild symptoms and made no reference to a requirement for MEB at the time the applicant was undergoing administrative discharge. The applicant consulted legal counsel and this was not an issue the applicant made at the time of her discharge. The Board concluded the discharge was appropriate for the reasons which were the basis for this case and that the characterization of the applicant's discharge was appropriate due to the misconduct.

**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 SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Maxwell AFB, AL on 2 Nov 04 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: 6 Jun 81. Enlmt Age: 19 7/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A. A-59, E-57, G-57, M-47. PAFSC: 4R031 - Diagnostic Imaging Apprentice. DAS: 4 Nov 02.

b. Prior Sv: (1) AFRes 27 Jan 01 - 29 May 01 (4 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB on 30 May 01 for 4 years. Svd: 03 Yrs 05 Mo 04 Das, all AMS.

b. Grade Status: Amn - 23 Aug 04 (Article 15, 23 Aug 04)  
A1C - 30 Apr 04 (Article 15, Vacation, 5 Aug 04)  
SrA - 30 Mar 03  
A1C - 30 May 01

c. Time Lost: None.

d. Art 15's: (1) 23 Aug 04 - Maxwell AFB, FL - Article 86. You did, on or about 5 August 04, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Amn. Thirty days extra duty and Reprimand. (Appeal/Denied) (No mitigation)

(2) 5 Aug 04, Vacation, Maxwell AFB, AL - Article 86. You did, on or about 26 Jul 04, without authority fail to go at the time prescribed to your appointed place of duty. You did, on or about 27 Jul 04, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to A1C. (No appeal) (No mitigation)

(3) 30 Apr 04, Maxwell AFB, AL - Article 86. You did, on or about 16 Apr 04, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended Reduction to A1C. Thirty days correctional custody to begin on 19 May 04. (No appeal) (No mitigation)

- e. Additional: LOR, 02 AUG 04 - Failure to go at the time prescribed.  
LOR, 13 APR 04 - Failure to go at the time prescribed.  
LOA, 07 APR 04 - Failure to obey a Lawful Order and  
derelection of duty.  
LOR, 31 MAR 04 - Failure to go at the time prescribed.  
LOR, 09 FEB 04 - Failure to go at the time prescribed.  
LOR, 27 AUG 03 - Failure to go at the time prescribed.  
LOA, 13 MAR 03 - Failure to go at the time prescribed.

f. CM: None.

- g. Record of SV: 30 May 01 - 29 Mar 03 Maxwell AFB 5 (Initial)  
30 May 03 - 29 May 04 Maxwell AFB 2 (Annual) REF

h. Awards & Decs: NDSM, AFTR.

- i. Stmt of Sv: TMS: (03) Yrs (09) Mos (06) Das  
TAMS: (03) Yrs (05) Mos (04) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 25 Feb 05.  
(Change Discharge to Honorable.)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Letter from Congressman Scott.
3. Father's Death Certificate.
4. Three Medical bill's for treatment of her father.
5. Boyfriend's Funeral Program.
6. Her Aunt's Funeral Program.

05MAY05/day



**14. CONTINUATION OF ITEM 6, ISSUES (If applicable)**

came home on leave on March 3, 2004 to find my father had fallen in the bathroom and had severely injured his head. Following this, my grandfather was ill and died soon. My aunt was killed in a head-on collision the next month. My father was again hospitalized on Sept 29th. I was only 21 years old when all of this began. My situation caused me to drink more than I should. My chain-of-command responded to this by sending me to a residential Alcohol and Drug Rehabilitation Program. I was also diagnosed with Major Depressive Disorder, Recurrent. As a result my mother repeatedly expressed her concerns to my commander that I might be suicidal. Two weeks following my return I was placed in (jail) Military Correctional Custody for 30 days. Upon my return, I was forced to work 12-hour shifts for 30 days. Although I understand that my short periods of tardiness were in violation of military law, I believe that my chain-of-command failed to consider my mitigating circumstances. Additionally, I submitted a request for early separation under the early out program. But, my chain-of-command decided to separate me for misconduct instead. In closing, I respectfully ask the board to grant me favorable consideration of my request for upgrade of my discharge. I believe this is the fair thing to do. I believe it is important to say that I come from a successful military family where my father, brother, and sister served honorably. I entered the service with the intent of doing the same.

**15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)**

**16. REMARKS (If applicable)**

The "misconduct" category of my discharge has greatly hindered my ability to move forward with my life. I have not been able to attain meaningful employment, receive my educational benefits, and have suffered personal shame with my family and friends. Although I am now out of the military, the discharge amounts to continued punishment. Again to a significant degree, these circumstances were honestly beyond my control. Therefore, I urge the board to take all of this into consideration, and to render a decision to upgrade my discharge. Thank you.

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

**ARMY**

Army Review Boards Agency  
Support Division, St. Louis  
9700 Page Avenue  
St. Louis, MO 63132-5200  
(See <http://arba.army.pentagon.mil>)

**NAVY AND MARINE CORPS**

Naval Council of Personnel Boards  
720 Kennon Street, S.E.  
Room 309 (NDRB)  
Washington Navy Yard, DC 20374-5023

**AIR FORCE**

Air Force Review Boards Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX 78150-4742

**COAST GUARD**

U.S. Coast Guard  
Commandant (G-WPM)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593





DEPARTMENT OF THE AIR FORCE

42D MEDICAL SUPPORT SQUADRON  
MAXWELL AIR FORCE BASE, ALABAMA 36112

OIT 18 2004

MEMORANDUM FOR AMN

FROM: 42 MDSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.2. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. On or about 5 August 2004, you failed to go at the time prescribed to your appointed place of duty. For this act of misconduct you were punished IAW Article 15, UCMJ on 23 August 2004. The punishment consisted of a reduction to the grade of Airman, 30 days extra duty and a reprimand. The Article 15 was filed in your existing Unfavorable Information File (UIF). (Attachment A)

b. On or about 26 July 2004 and 27 July 2004, you failed to go at the time prescribed to your appointed place of duty. For this act of misconduct you received a Record of Proceedings of Vacation of Suspended Nonjudicial Punishment (Vacation). The vacation consisted of reduction to the grade of Airman First class (E-3) with new date of rank of 30 April 2004, effective 5 August 2004. (Attachment B)

c. On our about 26 July 2004 and 27 July 2004, you failed to go at the time prescribed to your appointed place of duty. For this misconduct you received a Letter of Reprimand (LOR) on 2 August 2004. The LOR was filed in your existing UIF. (Attachment C)

d. On or about 16 April 2004, you failed to go at the time prescribed to your appointed place of duty. For this act of misconduct you were punished by with an Article 15 on 30 April 2004. The punishment consisted of reduction to the grade of E-3, suspended through 29 October 2004, and 30 days correctional custody. The Article 15 was filed in your existing UIF. (Attachment D)

e. On or about 12 April 2004, you failed to go at the time prescribed to your appointed place of duty. For this act of misconduct you received an LOR on 13 April 2004. The LOR was filed in your UIF. (Attachment E)

f. Between on or about 12 January 2004 and on or about 7 April 2004, you were derelict in the performance of your duties in that you failed to accomplish QA tasks and you let your duties of MRI tracking lapse as it was your duty not to do. For this act of misconduct you received a Letter

of Admonishment (LOA) on 7 April 2004. The LOA was filed in your Personal Information File (PIF). (Attachment F)

g. On or about 30 March 2004, you failed to go at the time prescribed to your appointed place of duty. For this act of misconduct you received an LOR on 31 March 2004. The LOR established a UIF. (Attachment G)

h. On or about 9 February 2004, you failed to go at the time prescribed to your appointed place of duty. For this act of misconduct you received an LOR on 9 February 2004. The LOR was filed in your existing PIF. (Attachment H)

i. On or about 22 August 2003, you failed to go at the time prescribed to your appointed place of duty. For this act of misconduct you received an LOR on 27 August 2003. The LOR was filed in your PIF. (Attachment I)

j. On or about 5 March 2003, you failed to go at the time prescribed to your appointed place of duty. For this act of misconduct you received an LOA on 13 March 2003. The LOA was filed in your PIF. (Attachment J)

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States 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 and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 \_\_\_\_\_ at 550 E. Maxwell Blvd, on 19 Oct 04, at 1400 hours. 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 21 Oct 04 @ 1440 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 Blue Team on 21 Oct 04, at 0815 hours for the examination.

7. 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.

8. Execute the attached acknowledgment and return it to me immediately.

Commander

Lt Col, USAF



Attachments:

1. Supporting Documents
2. Receipt of Notification Memorandum