

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE SRA	AFSN/SSAN _____
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TYPE UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW				
COUNSEL NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">YES</td> <td style="width:50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>	YES	No		X			
YES	No						
	X						

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>		X			
		X			
		X			
		X			
		X			

ISSUES A94.06	INDEX NUMBER A67.90 A67.00	EXHIBITS SUBMITTED TO THE BOARD														
		<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 colspan="2">COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td colspan="2">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td colspan="2">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 19 April 2006	CASE NUMBER FD-2005-00129	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT **DATE: 4/26/2006**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00129

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

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

FINDINGS: The Board grants the requested relief and the discharge is upgraded to general.

The Board finds that the evidence of record substantiates an inequity that justifies a change of discharge.

ISSUE:

The applicant contends his discharge was inequitable because the USAFR were aware of his socialization and speech difficulties as early as January 2001. He further cites an impropriety that he was notified of his physical disqualification due to obsessive compulsive disorder and anger management issues and believed that was the reason for discharge in May 2004. The applicant was discharged for Misconduct, Conduct Prejudicial to Good Order and Discipline and physical disqualification with an Under Other Than Honorable Conditions service characterization in October 2004 with misconduct being the primary basis for discharge. Applicant had three Letters of Reprimand (LOR) and Unfavorable Information File entry for misconduct. The first LOR was for using profanity at work, raging at other co-workers and failure to follow vehicle safety requirements. The second LOR member was administratively demoted for failure to fulfill NCO responsibilities, after becoming belligerent during a mobility exercise and for displaying other inappropriate behavior while on duty. His third and final LOR was for making obscene gestures to other drivers and passing at high speeds. He also had two referral "2" Enlisted Performance Reports (EPRs). The Discharge Review Board (DRB) noted that member originally enlisted with the USAFR 28 Jun 90 and served until 14 Oct 00. Applicant received his first referral EPR during his initial enlistment/extension. Although USAFR medical authorities were aware of his medical issues as documented by SF Form 600, Chronological Record of Medical Care dated 24 Jan 91, the applicant was allowed to reenlist on 15 Oct 00 for another 6 years. While the applicant's mental condition did not impair his ability to know right from wrong or ability to choose the right, the Board concluded his condition was related to his behavior to the degree that the Board concluded a UOTHC characterization was too harsh in relation to severity and nature of the offenses and opines that the evidence of the record indicates that the applicant's service is more accurately characterized as General.

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 a General discharge.

Attachment:
Examiner's Brief

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

(Former SRA) (HGH SSGT)

(MISSING DISCH DOCS & SMR DOCUMENTS)

1. MATTER UNDER REVIEW: Appl rec'd a UOTHC Disch fr Westover ARB, MA on 15 Oct 04 UP AFI 36-3209, para 3.21.2.2 and 3.13 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline (Primary), and Physical Disqualification). Appeals for General Discharge.

2. BACKGROUND:

a. DOB: 01 Apr 67. Enlmt Age: 23 2/12. Disch Age: 37 6/12. Educ: HS DIPL. AFQT: N/A. A-41, E-55, G-62, M-51. PAFSC: 2S071 - Supply Management Craftsman. DAS: 28 Jun 90.

b. Prior Sv: (1) AFRes 28 Jun 90 - 14 Oct 00. Svd: 11 yrs 4 months 2 days, of which AMS is 1 yr 00 months 15 days. Amn - 10 Apr 91, AlC - 1 Nov 91, SRA - 1 Jul 92, SSgt - 1 Jul 95. EPRs: 2 **REF**.

3. SERVICE UNDER REVIEW:

a. Reenlisted as SSgt 15 Oct 00 for 6 years. Svd: 00 Yrs 11 Mo 14 Das, all AMS.

b. Grade Status: SrA - 15 Nov 02 (AFR Order A-002, 15 Nov 02).

c. Time Lost: Unknown.

d. Art 15's: Unknown.

e. Additional: (Examiner's Note: The below is extracted from Memorandum for DPM, 27 Sep 04).

LOR - Using profanity and pounding his fist in a fit of rage.

LOR - Making obscene gestures to other drivers and passing at high speeds.

f. CM: None.

g. Record of SV: 28 Jun 98 - 29 Sep 01 Westover ARB 2 (CRO) **REF**

h. Awards & Decs: AFTR, NDSM W/1 DEV, AFLSA W/2 DEV, AFOUA W/1 DEV, AFRFMSM W/3 DEV, AFRM W/BRONZE HOURGLASS & M/DEV.

i. Stmt of Sv: TMS: (14) Yrs (03) Mos (18) Das

TAMS: (04) Yrs (06) Mos (24) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02 Mar 05.

(Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues w/24 attachments.

14JUN05/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: PROOF OF INCOMPETENCY (NOV. 3, 2004)
- b. DOCUMENT 2: PROOF OF LEGAL CUSTODY (12-3-04; 12-8-04)
- c. DOCUMENT 3: PROOF OF AIR FORCE KNOWLEDGE OF APPLICANT'S CONDITION ON 1/24/91.

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.

- 1) TYPE OF DISCHARGE IS INEQUITABLE BECAUSE THE AIR FORCE WAS AWARE OF MY SOCIALIZATION AND SPEECH (COMMUNICATION UNDER STRESS) DIFFICULTIES AS EARLY AS 1/24/91 (SEE DOCUMENT #3), AND DID NOT OFFER COUNSELING UNTIL 2003.
- 2) TYPE OF DISCHARGE IS INEQUITABLE BECAUSE MY SERVICE THROUGH 1/13/04 IS CHARACTERIZED AS, "... 13 YEARS OF SATISFACTORY RESERVE DUTY..." (SEE DOCUMENT #4), AND BECAUSE I WAS FULLY COOPERATIVE WITH MEDICAL TREATMENT THROUGHOUT MY ^{LAST YEAR OF} SERVICE. (SEE DOCUMENT(S) #9.)
- 3) TYPE OF DISCHARGE IS IMPROPER BECAUSE I WAS NOTIFIED ON 26 FEB. '04, THAT I WAS "... MEDICALLY DISQUALIFIED FOR CONTINUED MILITARY DUTY..." (SEE DOCUMENT #5.)
- 4) TYPE OF DISCHARGE IS INEQUITABLE BECAUSE THE LAST COMMUNICATION I RECEIVED (PRIOR TO BEING DISCHARGED) UOTHC ON 27 SEPT. '04, EFFECTIVE 15 OCT. '04) WAS A MEMORANDUM (DOCUMENT 6) DATED 7 MAY '04, STATING THAT I WOULD RECEIVE, "... AN HONORABLE DISCHARGE." THUS, I HAD NO REASON TO THINK OTHERWISE, OR TO FILE FOR A... (SEE DOCUMENTS

I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION. BOARD HEARING, #5648.

I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date) AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES. UNDER RFI 36-3209.

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)
05/03/00

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



7. SUPPORTING DOCUMENTS (CONT'D)

DOCUMENT 4: NARRATIVE SUMMARY OF MEDICAL RECORD, DATED 13 JAN, '04.

DOCUMENT 5: "MEMORANDUM" STATING MY MEDICAL DISQUALIFICATION FROM CONTINUED MILITARY DUTY, DATED 26 FEB, '04. (NOTED AS RECEIVED, "15 MAR 04.")

DOCUMENT 6: "MEMORANDUM" STATING THAT, "... ACTION HAS BEEN INITIATED TO DISCHARGE (ME) FROM THE AIR FORCE RESERVE WITH AN HONORABLE DISCHARGE." DATED 7 MAY, '04. THIS IS THE LAST COMMUNICATION I RECEIVED, PRIOR TO DOC'S #8.

DOCUMENT(S) 7: THREE (3) LETTERS FROM THE VA MEDICAL CTR. (LEEDS, MASS) STATING THAT I WAS ACTING IN A MANNER THAT WAS, "... VERY CONSISTENT AND COOPERATIVE WITH (MY) TREATMENT PLAN."

DOCUMENT(S) 8: "MEMORANDUM" DATED SEPT. 27, 2004, NOTIFYING ME THAT I WAS DISCHARGED, UOTHC, EFFECTIVE 15 OCT. '04. THIS DECISION COULD NOT HAVE BEEN BASED UPON A COMPLETE AND THOROUGH REVIEW OF ALL RELEVANT DOCUMENTATION IN MY CASE, INCLUDING DOCUMENTS 3 THRU 7 AND 9.

DOCUMENT(S) 9: THREE (3) CERTIFICATES OF RELEASE FROM ACTIVE DUTY,



7. SUPPORTING DOCUMENTS (CONT'D)

DOCUMENT 19: LETTER STATING THAT I AM VOLUNTEERING AT THE
 VA MED. CTR. (LEEDS, MASS.). MY MEDICAL CON-
 DITION PROHIBITS ME FROM DOING ANYTHING
 MORE, AT PRESENT; STILL, I AM TRYING TO GIVE
 BACK TO THOSE WHO HAVE GIVEN TO ME.

8. ISSUES (CONT'D)

5) TYPE OF DISCHARGE IS BOTH INEQUITABLE AND IMPROPER IN THE FACE OF MY SUPERIORS' FULL KNOWLEDGE THAT:

(1) MY MEDICAL CONDITION IS ON-GOING AND THAT I WAS IN TREATMENT AND COMPLIANT WITH MY TREATMENT PLAN FOR OVER A YEAR, PRIOR TO BEING DISCHARGED UOTHC ON 15 OCT. '04; (2) MY MEDICAL DISORDERS ARE ON-GOING (RESULTING IN A VA AWARD OF 100% DISABILITY, ON 30 AUGUST, 2004... EFFECTIVE OCTOBER 10, 2003) AND WERE RECOGNIZED AS SUCH ON 26 FEB. '04 [DOCUMENT 5], SEVEN MONTHS BEFORE I WAS DISCHARGED UOTHC; (3) CLEARLY, MY EPISODES OF ANGER OUTBURSTS DURING THE PERIOD 2002-2003, WERE DIRECTLY RELATED TO MY MEDICAL CONDITION AND WERE NOT INTENTIONAL OR WITHIN MY ABILITY ^{TO} CONTROL AND AS SUCH, SHOULD NOT BE USED AS A BASIS FOR DISCHARGING ME FROM 13 YEARS OF LOYAL AND HONORABLE SERVICE TO MY COUNTRY, WITH ANYTHING LESS THAN A "GENERAL UNDER HONORABLE CONDITIONS" DISCHARGE. I BELIEVE THAT I SHOULD HAVE BEEN DISCHARGED FOR PHYSICAL DISQUALIFICATION AND THAT THE 26 FEB. '04 MEMORANDUM (DOCUMENT #5) SHOULD STAMP.

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE RESERVE COMMAND
155 RICHARD RAY BLVD
ROBINS AIR FORCE BASE, GEORGIA 31098-1635

RESERVE ORDER
A-491

27 September 2004

The Air Force relieves SRA [redacted] (AFSC: 2S051 functional account code: 41A000; position control number: 0903506) from assignment 439th Logistic Management Squadron, Westover ARB MA and discharges him from the United States Air Force Reserve effective 15 October 2004. Service is characterized as Under Other Than Honorable Conditions. Mailing address: 51 New Ludlow Road Apt 2, Granby MA 01033-9542. AUTHORITY: AFI 36-3209, Misconduct, a Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline (Primary), and Physical Disqualification. Reassignment eligibility status: INELIGIBLE.

FOR THE COMMANDER



[redacted]
Chief, Military Personnel Division
Directorate of Personnel

- DISTRIBUTION:
5-Indiv
1-ARPC/DSMM
1-AFRC/DPMR
1-AFRC/JAM
1-AFRC/JAS
2-439 LMS/CC
2-439 MSS/DPMSA (Relocation)
1-Servicing Reserve Pay Office



DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

FD 7005-001A7

MEMORANDUM FOR 439 AMDS

26-Feb-04

FROM: HQ AFRC/SGPA
135 PAGE ROAD
ROBINS AFB GA 31098-1601

SUBJ: Medical Disqualification for Continued Military Duty - SrA [REDACTED]
[REDACTED]

1. We have reviewed the medical documentation submitted on subject member and determined that he is medically disqualified for continued military duty.
2. Subject member's case has been forwarded to HQ AFRC/DPMF further processing.
3. The medical unit commander or his/her designated representative will immediately notify the member, member's commander, and the MPF of this action.

[REDACTED]
Chief, Aerospace Medicine Branch
Directorate, Health Services

Rec'd
15 Mar 04
SJB



DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

FD 2005-80129

MEMORANDUM FOR SRA: [redacted]

07 MAY 2004

51 New Ludlow Rd Apt 02
Granby MA 01033

FROM: HQ AFRC/DPM
1000 Marchbanks Rd
Robins AFB GA 31098-2300

SUBJECT: Administrative Discharge Due to Physical Disqualification

1. I unfortunately must advise you that separation action has been initiated to discharge you from the Air Force Reserve with an Honorable Discharge. The authority for this action is AFI 36-3209, paragraph 3.14, Physical Disqualification. Supporting documentation may be obtained by contacting your local reserve medical unit.
2. You must complete and return the attached acknowledgment of receipt (Atch 1) of this memorandum within 24 hours after receipt. A return envelope (Atch 2) is provided for your convenience.
3. You have the right to counsel. Capt [redacted], a Judge Advocate qualified under Article 27(b)(1) of the Uniform Code of Military Justice, will be made available to assist you in this matter at no expense to you. Her mailing address is HQ AFRC/JAS, 255 Richard Ray Blvd Ste 227, Robins AFB GA 31098-1637. Her phone numbers are DSN 497-1588, toll free 1-800-458-5391, commercial (478) 327-1588, or fax commercial (478) 327-0032 fax DSN 497-0032.
4. We of the Air Force Reserve extend our gratitude for your service and contributions to this country.

[redacted]
Deputy Chief, Military Personnel Division
Directorate of Personnel

Attachments:

1. Acknowledgment of Receipt
2. Return Envelope

cc:

HQ AFRC/JAS wo Attachments
439 MSS/DPMSA (Relocation) wo Attachments



SEP 27 2004

MEMORANDUM FOR DPM

FROM: CV

SUBJECT: Administrative Discharge for Cause and Physical Disqualification,
SrA [redacted]

I have reviewed the attached Administrative Discharge for Cause and Physical Disqualification case for SrA [redacted]. SrA [redacted] received a letter of reprimand for using profanity and swearing his fist in a fit of rage in front of a subordinate. He received another letter of reprimand for making obscene gestures to other drivers in addition to passing at high speeds. SrA [redacted] was also demoted for failure in NCO responsibilities after being belligerent during a subordinate's performance review for displaying other inappropriate behavior while on duty. In addition, SrA [redacted] is subject to discharge for physical disqualification due to obsessive compulsive disorder and associated management issues. Member is on medication. Due to the nature of the member's medical condition, his separation from the United States Air Force Reserve with an Under Other Than Honorable Conditions Discharge in accordance with AFI 36-3209, paragraphs 3.21.2.2 and 3.14. Misconduct, A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline (Primary), and Physical Disqualification. I also deny suspension of the discharge for the purpose of receiving probation and rehabilitation in accordance with AFI 36-3209, paragraph 3.25.

[redacted signature box]

Vice Commander

Attachments:

- 1. Discharge for Cause Case, SrA [redacted]
- 2. Discharge for Physical Disqualification, SrA [redacted]