

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ----- -----	GRADE  AMN	AFSN/SSAN ----- -----
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<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
<b>YES</b>	<b>No</b>		
	<b>X</b>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b>	A94.11 A01.05	<b>INDEX NUMBER</b>	A67.10	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
				1 ORDER APPOINTING THE BOARD
				2 APPLICATION FOR REVIEW OF DISCHARGE
				3 LETTER OF NOTIFICATION
				4 BRIEF OF PERSONNEL FILE
				5 MEDICAL RECORDS (64 pages)
				6 TRAINING RECORDS (51 pages)
				TAPE RECORDING OF PERSONAL APPEARANCE

<b>HEARING DATE</b>	<b>CASE NUMBER</b>	
11 Apr 2006	FD-2005-00202	

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 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.

X - Upgrade of discharge and Change in Reason and Authority are denied.

SIGNATURE OF RECORDER \_\_\_\_\_ SIGNATURE OF BOARD PRESIDENT \_\_\_\_\_

<b>INDORSEMENT</b>	<b>DATE: 4/12/2006</b>
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-2005-00202**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 11 Apr 2006. The applicant's mother testified as a witness on the applicant's behalf.

The following additional exhibits were submitted at the hearing:

Exhibit 5: Medical records (64 pages)

Exhibit 6: Training records (51 pages)

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

**FINDINGS:** Upgrade of discharge and change of reason and authority for discharge are 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:**

Issue 1. Applicant contends his discharge was inequitable because his supervisors treated him unfairly. Specifically, he argues they punished him for acts he did not commit, falsely accused him of lying, singled him out, and required him to perform duties despite his being placed on quarters due to a shoulder injury. The records indicated the applicant received an Article 15, four Letters of Reprimand and one Record of Individual Counseling for failing dorm and uniform inspections, false statements, disrespect to an NCO, disobeying an order, and being late to duty. The applicant disputed many of the facts underlying these actions. However, the applicant's claims were too sweeping to be credible and were not supported by the statements or testimony of others. While the medical record was ambiguous as to whether the applicant was placed on quarters or returned to duty, his supervisors had called the military treatment facility to check on his status. Therefore, the Board was not convinced the applicant was treated inequitably. The Board opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from the conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant contends discharge was improper because he was wrongly denied access to medical care. Specifically, he contends that his discharge should have been delayed to allow further treatment of his shoulder. The applicant testified that the doctor who performed his separation physical examination requested the applicant be placed on administrative hold pending further medical treatment, but that he was nevertheless discharged. The separation physical was performed on 28 Feb 05 and documented his shoulder injury. While two separate Standard Forms 88 were used to record the results of the examination (each recording different portions of the exam), both Forms 88 document pain and instability of the right shoulder in block 17(T). One of the Forms 88 recommends further orthopedic examination of the shoulder in block 44 but simultaneously finds the applicant "qualified for separation" in block 46. Moreover, the Board concluded that if the applicant's shoulder injury had been medically disqualifying, administrative discharge under AFI 36-3208 would have been more appropriate than a discharge for medical reasons. Accordingly, the Board finds no impropriety in his discharge.

**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)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Eielson AFB AK ON 16 Mar 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge and Change in Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 13 May 85. Enlmt Age: 17 8/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-55, E-46, G-32, M-40. PAFSC: 2A631E - Aerospace Propulsion (F110 Jet Engine) Apprentice. DAS: 10 Dec 03.

b. Prior Sv: (1) AFRes 21 Jan 03 - 16 Jun 03 (04 mos 26 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Jun 03 for 4 years Svd: 01 Yrs 09 Mo 00 Das, all AMS.

b. Grade Status: Amn - 31 Jan 05 (Article 15, 31 Jan 05)  
A1C - 19 Oct 04  
Amn - 19 Dec 03

c. Time Lost: None.

d. Art 15's: (1) 31 Jan 05, Eielson AFB AK - Article 91. You, having received a lawful order from SMSgt [redacted] a senior NCO, then known by you to be a senior NCO, to refrain from operating your motor vehicle except to have an IM test performed or words to that effect, an order which it was your duty to obey, did, on or about 5 Jan 2005, willfully disobey the same. Article 134. You, being indebted to Military Star Credit Card in the sum of about \$68.00 for goods and services, which amount became due and payable on or about 11 Jan 2005, did, on divers occasions, from on or about 11 Oct 2004, to on or about 11 Jan 2005, dishonorably fail to pay said debt. Reduction to Amn. Thirty days extra duty; that portion in excess of 15 days is suspended. (No appeal) (No mitigation)

e. Additional: LOR, 17 FEB 05 - Failure to meet minimum appearance standards and failure to follow orders.  
LOR, 25 JAN 05 - Making a false official statement.  
LOR, 19 NOV 04 - Failure to go at the time prescribed.  
LOR, 10 AUG 04 - Failure to obey a lawful order, failure to go and disrespect towards an NCO.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (02) Yrs (01) Mos (26) Das  
TAMS: (01) Yrs (09) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 May 2005.  
(Change Discharge to Honorable and Change Reason for discharge.)

Issue 1: I was discharged without proper medical care.

**ATCH**

- 1. DD Form 149.
- 2. Forty-eight pages of his medical records.
- 3. Three pages of Training Requirements.
- 4. Three MFRs from Supervisors.
- 5. Two page reply to LOR.

4Oct05/day



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

JWW 24 Feb 05

MEMORANDUM FOR AIRMAN: [REDACTED], 354 MXS, PACAF

FROM: 354 MXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force, according to AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, under the provisions of paragraph 5.49, Misconduct - Minor Disciplinary Infractions. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reason for this action is:

a. On or about 28 May 04, your dorm room was found to have been kept in an unsanitary condition with dirty clothes, food wrappers, and moldy food lying throughout the entire room. For this incident, you received a Record of Individual Counseling (RIC), dated 3 Jun 04 (Atch 1).

b. On or about 30 Jul 04, you failed to obey a lawful order from a noncommissioned officer to complete a set of flash cards for Volume 1 of your Career Development Course, you failed to report to your appointed place of duty at the time prescribed, you made a false statement to your supervisor about being on 24-hour quarters when you were not, and you were disrespectful to an NCO when he directed you to report for duty. For this incident, you received a Letter of Reprimand (LOR), dated 10 Aug 04 (Atch 2).

c. On or about 9 Nov 04 and 15 Nov 04, you failed to report to your appointed place of duty at the time prescribed. You were 4 hours late the first time and 1 hour and 45 minutes late the second time. For these incidents, you received an LOR, dated 19 Nov 04 (Atch 3).

d. On or about 24 Jan 05, you made a false statement to a Senior NCO (SNCO) regarding the location of your service dress uniform. For this incident, you received an LOR, dated 25 Jan 05 (Atch 4).

e. On or about 5 Jan 05, you willfully disobeyed a lawful order from a SNCO to refrain from operating your motor vehicle except to have an IM test performed. For this incident, you received nonjudicial punishment via Article 15, dated 31 Jan 05, which was placed into an Unfavorable Information File (Atch 5).

