

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST, MIDDLE INITIAL)				GRADE  AMN				
TYPE GEN		PERSONAL APPEARANCE		X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No	DAV		941 N CAPITOL ST NE WASHINGTON DC 20421				
X								
MEMBER SITTING				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								X*
								X*
								X
								X*
								X
ISSUES A94.05 A93.23		INDEX NUMBER A67.10		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 13 Feb 2006		CASE NUMBER FD-2005-00284						

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.

\* Signal

SIGNATURE OF RECORDER

INDORSEMENT		DATE: 2/14/2006
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	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2005-00284**

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

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:** 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 the discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, four Letters of Reprimand, one Letter of Counseling, one Record of Individual Counseling and one Letter of Admonishment for misconduct. The misconduct included stealing cough and cold medicine from the base exchange, performing unsafe acts on the flightline, failed room inspection and re-inspection, appearing in uniform with facial hair, failure to obey a lawful order, failure to go and lying, reporting to duty unshaven, failure to return items to library, and failure to comply with instructions. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board discussed the possibility that a discharge was inequitable because Dysthymia would have been a more appropriate basis for discharge. The Board noted that the applicant had other health concerns and that he was meeting with the Life Skills Clinic. 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.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

**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 Holloman AFB, NM on 9 Feb 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Mar 83. Enlmt Age: 18 11/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-81, E-82, G-80, M-73. PAFSC: 2W131F - Aircraft Armament Systems Apprentice. DAS: 5 Nov 02.

b. Prior Sv: (1) AFRes 28 Feb 02 - 27 May 02 (3 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 28 May 02 for 4 yrs. Svd: 02 Yrs 08 Mo 13 Das, all AMS.

b. Grade Status: Amn - 20 Jan 05 (Article 15, 20 Jan 05)  
A1C - 28 Sep 03  
Amn - 28 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 20 Jan 05, Holloman AFB, NM - Article 121. You, did, on or about 2 Jul 04, steal Coricidin HBP cough and cold medicine, of a value of about \$5.25, the property of the Army Air Force Exchange Service (AAFES). Reduction to Airman. Suspended forfeiture of \$692.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

e. Additional: LOR, 22 JUN 04 - Performing unsafe acts on the flightline.  
LOR, 10 MAR 04 - Failed room inspection and re-inspection, appearing in uniform with facial hair, and failure to obey a lawful order.  
LOR, 30 OCT 03 - Violation of AFI 36-2903, and failure to obey a lawful order.  
LOR, 29 SEP 03 - Failure to go and lying.  
LOC, 12 SEP 03 - Reporting to duty unshaven.  
LOR, 11 SEP 03 - Failure to turn in several items checked out from the library.  
LOA, 03 SEP 03 - Failure to go.  
RIC, 08 AUG 03 - Failure to comply with instructions.

f. CM: None.

g. Record of SV: 28 May 02 - 28 Jan 04 Holloman AFB 2 (Initial)REF

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (11) Mos (13) Das  
TAMS: (02) Yrs (08) Mos (13) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 14 Jul 05.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. DD Form 214.

20SEP05/ia

## Application for honorable discharge:

During my career in the air force I was diagnosed with dysthymia and an anxiety disorder. I feel that my condition adversely affected my performance in the service. They tried about five different psychiatric drugs on me while I had to load bombs. During this time my supervision knew what was going on with me, and I signed a release of my medical information to everyone in my chain of command. The depression and anxiety, I think, caused me to do things I wouldn't normally do. The things I got wrote up with were failure to show, uniform looking bad, financial problems, and underage drinking. During a desperate cry for help I stole pills from the RX, I was planning to kill myself. Thankfully I got caught stealing and got help.

I saw a psychologist two times a month, a psychiatrist once a month. They were writing up a medical discharge to submit. My supervision had other plans. I received a "general under honorable conditions" discharge.

When I got out of the military I saw a psychiatrist at the Hines VA Medical Center. And am receiving help for chemical dependency at St. Cloud VA Center in Minnesota. They have recently diagnosed me with Major Depression and Social Anxiety Disorder. I sincerely want to change how I feel, and am passionately seeking help. I admit that I was immature and couldn't fill out the forms and I felt

I believe that I should get my discharge changed to "honorable" because I was young, (and still am) and made some bad decisions. I cannot blame everything on my medical condition but I feel it played a leading role in my discharge. I hope to get this "black mark" off of my record, and move on to live a healthy and productive life.

Thank You.



FD 2005-00284

DEPARTMENT OF THE AIR FORCE  
49TH AIRCRAFT MAINTENANCE SQUADRON  
HOLLOMAN AFB, NEW MEXICO 88330

JAN 27 2005

MEMORANDUM FOR AMN

FROM: 49 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Misconduct, specifically Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. You, did, at or near Holloman AFB NM, on or about 2 Jul 04, steal Coricidin HBP cough and cold medicine, of a value of about \$5.25, the property of the Army Air Force Exchange Service (AAFES). For this misconduct, you received an Article 15 dated 20 Jan 05 (Atch 1)

b. You, who knew of your duties at or near Holloman AFB NM, on or about 7 May 04, were derelict in the performance of those duties in that you willfully failed to safely maneuver practice bombs in a maintenance trailer, as it was your duty to do. For this misconduct, you received a Letter of Reprimand (LOR) dated 22 Jun 04. (Atch 2)

c. You, having knowledge of a lawful order issued by MSgt 49 AMXS/CCF, to vacuum your carpet in your dormitory room, an order which it was your duty to obey, did at or near Holloman AFB NM, on or about 10 Mar 04, fail to obey the same by not vacuuming your dormitory room. For this misconduct, you received a LOR dated 10 Mar 04. (Atch 3)

d. You, having knowledge of a lawful order issued by SSgt 8 AMU, to have your uniform patches sewn down by 27 Oct 03, an order which it was your duty to obey, did at or near Holloman AFB NM, on or about 27 Oct 03, fail to obey the same by not having your uniform patches sewn down on your uniform. For this misconduct, you received a Letter of Counseling (LOC) dated 30 Oct 03. (Atch 4)

e. You, did at or near Holloman AFB NM, on or about 3 Sep 03, with intent to deceive, make to SSgt an official statement, to wit: that you completed the on-base driving restriction paperwork at building 35, 49 SFS, which statement was totally false, and was then known by you to be so false. You, having received a lawful order from Lt Col a superior commissioned officer, then known by you to be a superior officer, to report to Building 35 for completion of your on-base driving restriction paperwork, did at or near Holloman AFB NM, on or about 10 Sep 03, fail to obey the same by not reporting to Building 35 and completing on-base driving restriction paperwork. For this misconduct, you received a LOR dated 29 Sep 03. (Atch 5)

f. You, who knew of your duties at or near Holloman AFB, NM, on or about 12 Sep 03, were derelict in the performance of those duties in that you willfully failed to maintain your personal appearance by not shaving, as it was your duty to do. For this misconduct, you received a LOC dated 12 Sep 03. (Atch 6)

g. You, who knew of your duties at or near Holloman AFB NM, on or about 11 Sep 03, were derelict in the performance of those duties in that you willfully failed to return overdue library books to the base library, as it was your duty to do. For this misconduct, you received a LOR dated 11 Sep 03. (Atch 7)

h. You, did at or near Holloman AFB NM, on or about 3 Sep 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Family Support Center. For this misconduct, you received a Letter of Admonishment (LOA) dated 3 Sep 03. (Atch 8)

i. You, having knowledge of a lawful order issued by TSgt \_\_\_\_\_, 49 AMXS, to obtain your government drivers license and your flightline competency card by 1330 hours on 8 Aug 03, an order which it was your duty to obey, did at or near Holloman AFB NM, on or about 8 Aug 03, fail to obey the same by not obtaining your flightline competency card. For this misconduct, you received a Record of Individual Counseling (RIC) dated 8 Aug 03. (Atch 9)

3. 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).

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 \_\_\_\_\_ at Bldg 222, on 27 Jan 05, at 1300 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1 Feb 05 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 in 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 Family Practice Clinic, Family Practice Bldg 15 on 31 Jan 05, at 0800 hours for the examination.



8. You are ordered to report to the Military Justice Section immediately and report to the NCOIC. Adverse Actions. You will be escorted by a member of your unit, Bgt. to all outprocessing appointments. You must report to your escort's office immediately.

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 at 49 FW/JA.

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

Commander

~~Y. C. 3~~, Lt Col, USAF

Attachments:

1. Article 15, dated 20 Jan 05
2. LOR, dated 22 Jun 04
3. LOR, dated 10 Mar 04
4. LOC, dated 30 Oct 03
5. LOR, dated 29 Sep 03
6. LOC, dated 12 Sep 03
7. LOR, dated 11 Sep 03
8. LOA, dated 3 Sep 03
9. RIC, dated 8 Aug 03