

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	GRADE <b>AB</b>	AFSN/SSAN <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
--	--------------------	--

<b>TYPE</b>	<b>GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 2px;">COUNSEL</td> <td style="width:50%; padding: 2px;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td style="width:50%; padding: 2px;">YES</td> <td style="width:50%; padding: 2px;">No</td> </tr> <tr> <td style="width:50%; padding: 2px;"></td> <td style="width:50%; padding: 2px;"><b>X</b></td> </tr> </table>			COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	No		<b>X</b>	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION									
YES	No									
	<b>X</b>									

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

ISSUES <b>A93.02</b>	INDEX NUMBER <b>A67.10</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; padding: 2px;"><b>1</b></td><td style="padding: 2px;">ORDER APPOINTING THE BOARD</td></tr> <tr><td style="width:5%; padding: 2px;"><b>2</b></td><td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="width:5%; padding: 2px;"><b>3</b></td><td style="padding: 2px;">LETTER OF NOTIFICATION</td></tr> <tr><td style="width:5%; padding: 2px;"><b>4</b></td><td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td></tr> <tr><td style="width:5%; padding: 2px;"></td><td style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td style="width:5%; padding: 2px;"></td><td style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td style="width:5%; padding: 2px;"></td><td style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	BRIEF OF PERSONNEL FILE		COUNSEL'S RELEASE TO THE BOARD		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE HE
<b>1</b>	ORDER APPOINTING THE BOARD															
<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE															
<b>3</b>	LETTER OF NOTIFICATION															
<b>4</b>	BRIEF OF PERSONNEL FILE															
	COUNSEL'S RELEASE TO THE BOARD															
	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE															
	TAPE RECORDING OF PERSONAL APPEARANCE HE															

HEARING DATE <b>31 Oct 2006</b>	CASE NUMBER <b>FD-2006-00076</b>	
------------------------------------	-------------------------------------	--

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.

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.

+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY  
\* DENY RE CODE

SIGNATURE OF RECORDER <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
--	---

INDORSEMENT	DATE: 10/31/2006
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

FD-2006-00076

**GENERAL:** The applicant appeals for upgrade of discharge to honorable general, change the reason and authority for the discharge, and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 31 Oct 2006.

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

**FINDINGS:** The Board finds that the evidence of record and that provided by applicant substantiates an inequity that would justify a change of discharge. Upgrade of discharge to honorable and change of reason and authority for discharge to Secretarial Authority is granted. Change of reenlistment code is denied.

**ISSUE:** The applicant contends his discharge was inequitable because he was immature at the time of his misconduct and contends he has matured since separation. The applicant cited his desire to reenter military service and receive G.I. Bill benefits.

The records show the applicant received two Records of Individual Counseling, one Letter of Admonishment, two Letters of Reprimand, an Article 15, and a Vacation Action for minor disciplinary infractions. Except for two instances of poor financial judgment that were not willful misconduct (i.e. paying more than market value for an automobile), the applicant's misconduct was entirely due to reporting late for duty on a recurring basis over a period of four months in the setting of marital discord. The applicant was evaluated in the Mental Health Clinic following the period of tardiness for which he was disciplined leading to diagnosis of Adjustment Disorder. Although the psychologist did not indicate the severity of the Adjustment Disorder rose to a level warranting a recommendation for discharge under provisions for unsuitability, the Board noted that the misconduct, reporting late for duty, was due to marked sleep disturbance associated with the Adjustment Disorder and not due to willful misconduct, poor attitude or lack of effort. The Board also noted the mental health evaluation was not a commander directed evaluation and therefore the commander would not ordinarily be aware of the diagnosis unless the member informed him; however, the Board also opined that there was enough evidence present in the record that should have prompted the commander to further investigate this possibility. The Board concluded based on the preponderance of the evidence of the record and from testimony, that the applicant was unsuited for military service due to Adjustment Disorder and that the nature of misconduct was such that discharge under provisions for unsuitability would have been more equitable than under provisions for misconduct.

The DRB was pleased to see that the applicant was doing well following separation living at home and working in a stable job. However, the Board concluded that the evidence of the record and of testimony clearly indicates the applicant remains unsuited for military service.

The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade; however, the DRB noted that the applicant did not complete the 36-month period of service required for these benefits that is listed on the DD Form 2366 signed by the applicant. He should contact the Department of Veterans Affairs regarding questions of eligibility.

**CONCLUSIONS:** Although the Discharge Review Board concluded that the discharge was consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority, and that the applicant was provided full administrative due process, the Board concluded that the diagnosis of Adjustment Disorder and the nature of the misconduct more equitably formed a basis

for discharge under provisions for unsuitability. The applicant's characterization for discharge should be changed to honorable and the reason for discharge should be changed to Secretarial Authority under the provisions of Title 10, USC 1553. No change in the reenlistment code is recommended.

Attachment:  
Examiner's Brief

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

[REDACTED] (Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Langley AFB, VA on 28 May 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for an Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 12 Aug 82. Enlmt Age: 19 10/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-63, E-36, G-33, M-33. PAFSC: 2S031 - Supply Management Apprentice. DAS: 28 Jul 02.

b. Prior Sv: (1) AFRes 24 Jun 02 - 11 Nov 02 (4 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Nov 02 for 4 yrs. Svd: 01 Yrs 06 Mo 17 Das, all AMS.

b. Grade Status: AB - 15 Mar 04 (Vacation of Article 15, 6 May 04)  
Amn - 12 May 03

c. Time Lost: None.

d. Art 15's: (1) 6 May 04, Vacation, Langley AFB, VA - Article 86. You, did, on or about 29 Mar 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 23 Sweeney Boulevard, Langley AFB, VA. You did, on or about 30 Mar 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 23 Sweeney Boulevard, Langley AFB, VA. Reduction to AB. (No appeal) (No mitigation)

(2) 15 Mar 04, Langley AFB, VA - Article 86. You, did, on or about 20 Feb 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 23 Sweeney Boulevard, Langley AFB, VA. You did, on or about 27 Feb 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 23 Sweeney Boulevard, Langley AFB, VA. You, did, on or about 4 Mar 04, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: 23 Sweeney Boulevard, Langley AFB, VA. Suspended reduction to AB. Thirty days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 30 JAN 04 - Late for work.

LOR, 15 JAN 04 - Late for work.  
RIC, 16 DEC 03 - Late for work.  
LOA, 06 NOV 03 - Financial irresponsibility.  
RIC, 02 SEP 03 - Financial irresponsibility.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (11) Mos (05) Das  
TAMS: (01) Yrs (06) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 Feb 06.  
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority  
for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

16MAY06/ia

I would like to get my discharge upgraded from general to honorable for the following reasons. With an honorable discharge I can pursue to re-enter the Air Force or another branch of the Armed Forces and I could also pursue my college education with the money that I have from the G.I. Bill. An honorable discharge would also make it easier to obtain gainful employment. I admit I have made mistakes while I was in the United States Air Force. I was young and foolish and lonely. Because of this I married a woman I was not really in love with which led to some minor domestic disputes resulting in me reporting late to my duty as Air Force Airman. I understand this is no excuse for the reason in which my discharged was based on. I do regret that poor decision I made in my short term of service in the Air Force and wished it never happened. I also take full responsibility for my improper actions while I was in the Air Force. However I have changed a considerable amount since my discharge and wish the officers reviewing this request for an upgrade of my discharge would take these reasons into consideration.

Thank you in advance for your consideration of this matter.





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR COMBAT COMMAND  
LANGLEY AIR FORCE BASE VA

FD 2006-00076

MAY 11 2004

MEMORANDUM FOR AIRMAN BASIC

FROM: ACC RSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, paragraph 5.49. If my recommendation is approved, your discharge will be characterized as under honorable conditions (General) and you will be ineligible for reenlistment in the Air Force.
2. My reason for this action is: On or about 30 Mar 04, you failed to go to your appointed place of duty at the appropriate time. For this incident, you received a Vacation Action with a punishment of reduction to the grade of Airman Basic, dated 6 May 04.
3. While not a basis for discharge the following derogatory data may be used in characterizing your service. On or about 22 Aug 03 through on or about 28 Aug 03, you were financially irresponsible by purchasing a car at a price that exceeded its believed fair market value. For this you received a Record of Individual Counseling (RIC), dated 2 Sep 03. On or about 3 Nov 03, you sent an email to a co-worker requesting to borrow money to put gas in your car. For this incident you received a Letter of Admonishment (LOA), dated 6 Nov 03. On or about 10 Dec 03 through on or about 16 Dec 03, you reported late for duty on two different days. For this incident, you received a RIC, dated 16 Dec 03. On or about 15 Jan 04, you reported for duty 1 hour and 5 minutes late. For this incident, you received a Letter of Reprimand (LOR), dated 15 Jan 04. On or about 30 Jan 04, you reported for duty 45 minutes late. For this incident, you received a LOR, dated 30 Jan 04. On or about 20 Feb 04, you failed to go to your appointed place of duty. On or about 27 Feb 04, you failed to go to your appointed place of duty. On or about 4 Mar 04, you failed to go to your appointed place of duty. For these incidents, you received an Article 15 with a punishment of reduction to Airman Basic (suspended), 30 days extra duty, dated 15 Mar 04.
4. 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 Air Force.
5. 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 ADC at 4:5607, on 11 MAY 04, at 1130 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 14 MAY 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
7. 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.
8. You have been scheduled for a medical examination. You must report to GOLD CLINIC at 1115 hours on 13 MAY 04 for the examination.
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 your Orderly Room.
10. Execute the attached acknowledgment and return it to me immediately.



Commander, ACC RSS

Attachments:

1. Supporting Documents
  - 1a. RIC, 2 Sep 03
  - 1b. LOA, 6 Nov 03
  - 1c. RIC, 16 Dec 03
  - 1d. LOR, 15 Jan 04
  - 1e. LOR, 30 Jan 04
  - 1f. Article 15, 15 Mar 04
  - 1g. Vacation Action, 6 May 04
2. Receipt of Notification Memorandum