

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE  AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
COUNSEL YES <input checked="" type="checkbox"/> No <input type="checkbox"/>		NAME OF COUNSEL AND OR ORGANIZATION  <b>VETERAN OF FOREIGN WARS</b>	
		ADDRESS AND OR ORGANIZATION OF COUNSEL	

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

ISSUES <b>A93.23</b> <b>A94.05</b>	INDEX NUMBER <b>A67.90</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		<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>11 Jan 2007</b>	CASE NUMBER <b>FD-2005-00317</b>	
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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 in 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.

<b>INDORSEMENT</b>	<b>DATE: 1/24/2007</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-2005-00317**

**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:**

Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He contends that he was diagnosed with Post Traumatic Stress Disorder (PTSD) due to his service in Iraq. Instead of receiving medical treatment, he was administratively separated. The records indicated the applicant received two Article 15's and a Letter of Reprimand for misconduct. His first Article 15 was for failing to remain awake while performing duties. He was punished with a suspended reduction in grade to Airman, forfeiture of \$50.00 pay for two months, and 15 days of extra duty. His second Article 15 was for striking an individual in the face with his fist; disorderly conduct; and communicating to a British Police officer indecent language. He was reduced in grade to Airman, restricted to Mildenhall for 30 days, and 30 days of extra duty. The applicant was also administratively disciplined with a Letter of Reprimand for sleeping on post. The DRB opined that although the applicant was diagnosed with PTSD, it did not impair his ability to know right from wrong or ability to choose the right. The DRB 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 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 Andrews AFB, MD on 18 Aug 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: 5 Aug 84. Enlmt Age: 17 0/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-42, E-37, G-39, M-30. PAFSC: 3P051 - Security Forces Journeyman. DAS: 24 Jun 02.

b. Prior Sv: (1) AFRes 6 Aug 01 - 7 Jan 02 (5 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 8 Jan 02 for 4 years. Svd: 02 Yrs 07 Mo 11 Das, all AMS.

b. Grade Status: Amn - 25 Jun 04 (Article 15, 25 Jun 04)  
A1C - 25 Jan 02

c. Time Lost: None.

d. Art 15's: (1) 25 Jun 04, RAF Mildenhall, UK - Article 128. You, did, at or near Newmarket, Suffolk, UK, on or about 15 May 04, unlawfully strike [REDACTED] in the face with your fist. Article 134. You were, at or near Newmarket, Suffolk, UK, on or about 15 May 04, disorderly which conduct was of a nature to bring discredit upon the armed forces. You did at or near Newmarket, Suffolk, UK, on or about 15 May 04, orally communicate to British Police Sgt [REDACTED] certain indecent language, to wit: That nigger's got my shirt on. Reduction to Amn. Restriction to the limits of RAF Mildenhall, UK for thirty days and thirty days extra duty. (Appeal/Denied) (No mitigation)

(2) 4 Nov 02, RAF Mildenhall, UK - Article 92. You, who should have known of your duties, on or about 12 Oct 02, were derelict in the performance of those duties in that you negligently failed to remain awake while performing your duties, as it was your duty to do. Suspended Reduction to Amn. Forfeiture of \$50 pay per month for 2 months and fifteen days extra duty. (No appeal) (No mitigation)

e. Additional: (Examiner's Note: The following document is listed on the

Notification Memorandum, but is missing from the file).  
LOR, 18 JUN 04 - Sleeping on Post.

f. CM: None.

g. Record of SV: 8 Jan 02 - 07 Sep 03 RAF Mildenhall 5 (Initial)  
8 Sep 03 - 30 May 04 RAF Mildenhall 2 (CRO)REF

h. Awards & Decs: NDSM, AFTR, AFOSLTR, AFAM.

i. Stmt of Sv: TMS: (03) Yrs (00) Mos (13) Das  
TAMS: (02) Yrs (07) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Jun 05.  
(Change Discharge to Honorable.)

Issue 1: Due to my service in Iraq I was diagnosed with PTSD/Depression. I was first diagnosed in service but instead of getting treatment I was given a discharge Under Hon. Conditions.

**ATCH**

1. Letter from Veterans of Foreign Wars.
2. Letter requesting review of his DD Form 214 for completeness.
3. DD Form 214-4.

14NOV05/day



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 100TH AIR REFUELING WING (USAFE)

21 Jul 04

MEMORANDUM FOR AMN: [REDACTED]  
100th SECURITY FORCES SQUADRON

**FROM:** 100 SFS/CC

**SUBJECT:** Notification Memorandum

1. I am recommending your discharge from the United States Air Force for 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 honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are:

a. On or about 12 October 2002, you were derelict in the performance of your duties, as evidenced by AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 4 November 2002.

b. On or about 26 April 2004, you were derelict in your duties when you were found sleeping on post, as evidenced by a Letter of Reprimand, dated 18 June 2004.

c. On or about 15 May 2004, you unlawfully struck someone, as evidenced by AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 25 June 2004.

d. On or about 15 May 2004, you were disorderly, as evidenced by AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 25 June 2004.

e. On or about 15 May 2004, you orally communicated indecent language to a police officer, as evidenced by AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 25 June 2004.

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 a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to counsel. **Please call to make an appointment with the Area Defense Counsel, at building 977, RAF Lakenheath, DSN 226-3608.** Instead of the appointed counsel, you may have another if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the

right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

5. You have the right to submit statements on your own behalf. **Any statements you want the separation authority to consider must reach me within three (3) duty days of the date of this letter 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 are required to have a medical examination. **You must contact Family Practice, RAF Lakenheath, DSN 226-8010, to schedule an appointment.** You must report with the Medical Examination memorandum to Building 932, Family Practice, RAF Lakenheath, at the appointed time. You must be in uniform. If you have been prescribed glasses, you must wear your glasses to the appointment. Also ~~please~~ complete the attached DD Form 2697, Report of Medical Assessment, and bring it to your appointment. **You must return the Medical Examination Memorandum to your First Sergeant once it is completed.**

8. You have been scheduled for a Separations Briefing. ~~Please~~ **Report to the Military Personnel Flight, Building 436, RAF Mildenhall, DSN 238-2389 on Wednesday, 21 July 2004 at 1400 hours.**

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 the unit orderly room or the Area Defense Counsel office. Execute the attached acknowledgment and return it to me immediately.



Commander

Attachments:

1. Airmen's Acknowledgment
2. Medical Examination Memorandum
3. DD Form 2697, Report of Medical Assessment
4. AF Form 3070, Record of NJP Proceedings, dtd 4 Nov 02
5. AF Form 3070, Record of NJP Proceedings, dtd 25 Jun 04
6. Records Review RIP