

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No	NAME OF COUNSEL AND OR ORGANIZATION	
	X		

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

ISSUES A93.21	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 HE	

HEARING DATE 11 Jan 2007	CASE NUMBER FD-2006-00069	
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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.

Names and votes will be made available to the applicant at the applicant's request.

INDORSEMENT		DATE: 2/8/2007
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-2006-00069

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's character of discharge is inequitable.

ISSUE:

The applicant was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions in December 2004. Applicant had an Article 15, two Letters of Reprimand, a Letter of Counseling, a Letter of Admonishment and a Record of Individual Counseling for misconduct. Applicant contends discharge was inequitable because it was not based on medical expert statements but was based on commander's views. Applicant contends he was prescribed an acne medication which resulted in applicant having side effects. As a result, he was being treated for depression. After a thorough and complete consideration of the information submitted by the applicant, information contained in his record, the Board concluded there was significant mitigation and extenuation to substantiate upgrade of the discharge to honorable.

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 an Honorable discharge.

Attachment:

Examiner's Brief

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

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Barksdale AFB, LA on 23 Dec 04 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 6 Jun 83. Enlmt Age: 18 1/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-76, E-73, G-66, M-61. PAFSC: 2M051 - Missile & Space Electronic Maintenance Journeyman. DAS: 22 Oct 02.

b. Prior Sv: (1) AFRes 26 Jul 01 - 17 Dec 01 (4 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Dec 01 for 6 yrs. Svd: 03 Yrs 00 Mo 06 Das, of which AMS is 02 yrs 11 months 22 days (excludes 14 days lost time).

b. Grade Status: AB - 30 Nov 04 (Article 15, 30 Nov 04)
SrA - 15 Jun 04
A1C - 01 Feb 02

c. Time Lost: 30 Oct 04 thru 13 Nov 04 (14 days).

d. Art 15's: (1) 30 Nov 04, Barksdale AFB, LA - Article 86. You, did, on or about 2 Nov 04, without authority absent yourself from your place of duty at which you were required to be, to wit: 2d Munitions Squadron, located at Barksdale AFB, LA, and did remain so absent until you were apprehended on or about 13 Nov 04. Reduction to AB. (No appeal) (No mitigation)

e. Additional: LOR, 18 NOV 04 - Incapable of performing duties because of wrongful indulgence in intoxicating liquor.

LOR/UIF, 7 JUL 04 - Failure to return to duty upon release from escort duties, and failed to report for duty at the time prescribed on another date.

RIC, 14 MAR 04 - Failed dorm room inspection.

LOC, 28 JUL 03 - Failure to obey a direct order.

LOA, 21 APR 03 - Citation for illegal left turn and another citation for loss of traction.

f. CM: None.

g. Record of SV: 18 Dec 01 - 17 Aug 03 Barksdale AFB 5 (Initial)
18 Aug 03 - 17 Aug 04 Barksdale AFB 4 (Annual)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (03) Yrs (04) Mos (14) Das
TAMS: (02) Yrs (11) Mos (22) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 Jan 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Character Reference.
3. Medical Documents.

24MAR06/ia

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.

X ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION. (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

Character statement from Squadron PRP Manager

b. DOCUMENT 2:

Medical

a. DOCUMENT 3:

Medical

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.

My discharge was inequitable because it was not based on medical experts statements but was based on my commanders views. As you will notice I have attached medical statements which state the doctors medical opinions. I was prescribed a very powerful one medication called ASCUADIE. That current company is facing multiple lawsuits dealing with depression from users who have taken the medication. I was placed in the VA hospital where I was administered the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) where the validity scales indicated that there is a possibility of a significant disorder, but this was never followed for further review. Also while I was in the VA hospital, I was prescribed 50 mg Zoloft anti-depressant medication which was later bumped up to 100mg because of my severe depression by the base doctor. The doctor agreed I needed to stay on the medication for at least a year and have counseling to deal with my depression, but I was later released less than a month from the Air Force where all my benefits were taken away so I had no way of paying for such expensive prescriptions and the costly medical attention I needed to cope with my diagnosed disorder. As it was clear to see my commander had no such training or knowledge of the severity of disorders like this and how to handle them. This can be proven by when he showed up in the medical ward and made me stand out attention in front of the medical staff and onlookers, while I was dressed in scrubs given to me by the hospital, and served with Article 15 paperwork. It was not only embarrassing it also sent me into deeper depression than the state I was already in. My father has helped me financially and emotionally through this ordeal, and that has been the only way I have been able to cope with this situation. I am currently enrolled in college, which my father has been kind enough to pay for.

X I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.

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

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)

2006/01/13

b. SIGNATURE

UPON COMPLETION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY
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)

NAVY & MARINE CORPS
Naval Council of Personnel Boards
720 Kennon Street, S.E.
Rm. 309 (NDRB)
Washington Navy Yard, DC
20374-5023

AIR FORCE
SAF/MBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD
Commandant (G-WFM)
2100 Second Street, S.W.
Washington, DC 20593-0001

and I have dedicated all my free time to school to maintain my high grade point average. All I ask is that the medical statements be taken into consideration, since they are the professionals who are trained, and have made the diagnosis of severe depression, which should have been considered the root of my problems, which I feel is beyond my control.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING
BARKSDALE AFB, LOUISIANA 71110

MEMORANDUM FOR AB: _____

FROM: 2 MUNS/CC

DEC 9 2004

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for misconduct: minor disciplinary infractions. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49. If my recommendation is approved, your service will be characterized as an Under Honorable Conditions (General) Discharge. I am recommending that your service be characterized as an Under Honorable Conditions (General) Discharge.

2. My reason for this action is:

a. Between on or about 30 Aug 04 and 2 Sep 04, you were incapable of performing your duties due to excessive indulgence in intoxicating liquors. Specifically, on 29 Aug 04, your blood alcohol level was determined to be .245, resulting in you being admitted to the Intensive Care Unit and being placed on life support equipment. For this incident, you received a Letter of Reprimand, dated 18 Nov 04.

b. On 2 Nov 04, you went from your appointed place of duty without authority and did remain absent until apprehended on 13 Nov 04. For this incident, you received Nonjudicial Punishment, dated 30 Nov 04.

c. On 30 Jun 04, you failed to return to your duty section upon release of your escort duties. In addition, on 1 Jul 04, you failed to report for duty at the time prescribed. For these incidents, you received a Letter of Reprimand, dated 7 Jul 04.

d. On 5 Mar 04, you failed your dorm room inspection. For this incident, you received a Record of Individual Counseling, dated 14 Mar 04.

e. Between 3 Jul 03 and 17 Jul 03, you failed to follow a direct order to study your Career Development Course (CDC) one hour each day. For these incidents, you received a Letter of Counseling, dated 28 Jul 03.

f. On 5 Apr 03, you received a citation for committing an illegal left turn from Wilbur Wright Drive and out the West Gate. On 8 Apr 03, you were verbally counseled about your actions being detrimental to your safety and the safety of others. However, on 15 Apr 04, you received a citation for losing traction while traveling southeast on Davis Ave East. For this incident, you received a Letter of Admonishment, dated 21 Apr 03.

3. 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. 4714, Third Floor, on ~~14 Dec 04~~, at ~~1530~~ hours. You may consult civilian counsel at your own

expense.


4. 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 Dec 04 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to 2d Medical Group, 243 Curtiss Rd., Suite 100 on 13 Dec 04, at 0815 ^{Midbrook - Pays FARM} hours for the examination. Bring medical records to appointments. PART II - 13 Dec 04, 0930 - AIAISACC

7. 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 AF PUBS site.

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


Commander

Attachments:

1. Receipt of Notification Memorandum
2. Supporting Documents