

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 A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE HON	X	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No		
	X		

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

ISSUES A93.23 A93.01 A93.09	INDEX NUMBER A62.00	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 14 Jun 2007	CASE NUMBER FD-2006-00078	
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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. by video-teleconference between Andrews AFB, MD and Robins AFB, Georgia.

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 - Reason for discharge and Reenlistment Code

INDORSEMENT	DATE: 6/18/2007
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-2006-00078

GENERAL: The applicant appeals to 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, via video-conference between Robins AFB, Georgia and Andrews AFB, Maryland on 14 June 2007.

The following witness also testified on the applicant's behalf: his mother, Mrs. TR.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Alabama Department of Veteran's Affairs Letter, 31 May 2007

Exhibit #6: Gadsden Psychological Services Letter, 18 May 2007

Exhibit #7: Gadsden Police Department Letter, 16 May 2007

Exhibit #8: Mrs. [REDACTED] Letter, 14 May 2007

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

FINDINGS: Change of reason and authority for discharge and change of reenlistment code 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:

The sole issue advanced by the applicant is that his personal character is not accurately reflected by the separation reason and reentry code. He would like to be eligible to reenter the military. The applicant testified that he had always done well and achieved his goals prior to entering the Air Force. He informed the board that he was unhappy in the Air Force because his fiancée and her family were pressuring him to put her needs and desires before the needs of his career. He was assigned to three different training programs, but was unable to complete any of them. He felt unhappy and went to seek help. As a result of his request for help, he was interviewed by an Air Force mental health professional. The applicant informed the Air Force of his previous psychological problems and was then discharged because he had not been honest to the Air Force about his mental health history when he enlisted. Specifically, he falsely denied ever receiving mental health counseling or taking psychiatric drugs. Since his discharge the applicant has been successfully attending college and has started working for the Gadsden, Alabama Police Department.

The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded that his enlistment was fraudulent. The DRB noted his desire to serve in the Air Force and willingness to misrepresent facts on the medical entry form, but the questions were asked on that form to avoid precisely the situation which occurred with the applicant. An otherwise well-meaning individual, who wanted to serve his country but would not have been allowed to do so, lied to the Air Force to gain entry. After he was brought onto active duty and the Air Force expended substantial resources training him, he experienced psychological difficulties which interfered with his training.

The applicant testified that his recruiter had told him to lie on the form, but the applicant's mother stated in her letter that her son made a conscious choice not to disclose his mental health history so he would not be "labeled" or "denied entry" into the Air Force. The applicant agreed that he knowingly lied and provided false information even though he had sworn it was the truth. His recruiter's alleged misconduct does not

absolve the applicant of responsibility for making the false statements.

The DRB concluded that the reason for the applicant's discharge was fraudulent enlistment and that despite the good progress he has made in his life as a civilian and the valuable service he renders his community, he is not well suited to military life. A change in the reenlistment code would not be in the best interest of the United States Air Force.

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 changing the reason and authority for discharge or the reenlistment code, thus the applicant's reason for discharge and reenlistment code should not be changed.

Attachment:

Examiner's Brief

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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF Lackland AFB, TX on 19 Jan 05 UP AFI 36-3208, para 5.15 (Fraudulent Enlistment). Appeals for a Change to RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 3 Apr 84. Enlmt Age: 19 5/12. Disch Age: 20 9/12. Educ: HS DIPL. AFQT: N/A. A-42, E-53, G-55, M-53. PAFSC: 3P011 - Security Forces Helper. DAS: 12 Jul 04.

b. Prior Sv: (1) AFRes 15 Sep 03 - 24 May 04 (00) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 25 May 04 for 6 yrs. Svd: 00 Yrs 00 Mo 00 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AETC 125A, 9 DEC 04 - Removal from training for (Adjustment Disorder with Depressed Mood)/Fraudulent Enlistment.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (00) Yrs (00) Mos (00) Das

TAMS: (00) Yrs (00) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01 Nov 05.
(Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am requesting a reentry code change. I would like to re-enter the military and I am not eligable (sic) with this code. My personal character is not that as which the code implies.

ATCH

1. Training Certificate.
2. Two Character References.

29MAR06/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

11 January 2005

MEMORANDUM FOR 37 TRG/CC

FROM: 37 TRW/JA

SUBJECT: Legal Review, Administrative Discharge,
AIC:; 343 TRS

1. **Authority for Action:** I have reviewed the attached administrative discharge case file regarding the Respondent, AIC: His flight commander, Capt: recommends an Honorable discharge characterization pursuant to AFI 36-3208, paragraph 5.15, Fraudulent Enlistment. AFI 36-3208, Table 5.4, Rule 4 indicates that as the Separation Authority, you approve or disapprove the recommendation for discharge (not board entitled) pursuant to paragraph 5.15. Respondent is not entitled to an administrative board hearing based on time in service, grade, or any other factors listed in paragraph 6.2.2. The proposed discharge is supported by a preponderance of the evidence and is legally sufficient, subject to a medical determination that the Respondent is qualified for worldwide service and separation. All further paragraph references are to AFI 36-3208, unless specifically stated otherwise.

2. **Respondent's Military Record:** Respondent has been on active duty since 25 May 04. Respondent is a technical training student and has been assigned to the 343rd Training Squadron since 12 Jul 04. He has no enlisted performance reports (EPRs). His awards and decorations include the National Defense Service Medal and the Air Force Basic Training Ribbon.

3. **Respondent's Response:** Respondent has consulted counsel and has waived his right to submit a statement for your consideration.

4. **Analysis:**

a. **Basis and Propriety of Discharge:** Paragraph 5.15 authorizes the involuntary separation of Airmen who procure an enlistment or period of military service through any deliberate, material misrepresentation, omission, or concealment that, if known at the time of enlistment or entry into a period of military service, might have resulted in rejection. In this case, action is based on the Behavioral Analysis Service letter, dated 22 Nov 04, DD Form 2807-1 dated 15 Sep 03, and DD form 2807-2, dated 10 Sep 03. At the time of the Respondent's enlistment, he indicated on his Medical Prescreen of Medical History Report, AF Form 2807-2, that he did not receive any type of counseling nor did he take medication for depression and aggression. However, he admitted to Behavioral Analysis Services that prior to enlisting he had been hospitalized for psychiatric treatment and received outpatient antidepressant therapy and treatment. His civilian medical records revealed he was prescribed Celexa and Lexapro (antidepressants). Had the Air Force known of the Respondent's history of mental health treatment, he may not have been allowed entry into the military. Therefore, discharge based on paragraph 5.15 is appropriate.

b. **Characterization of Discharge:** The possible service characterizations in this case are Honorable and Under Honorable Conditions (General). The initiating commander recommends an Honorable. An Honorable service characterization is appropriate when the Airman's quality of service has generally met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

A General service characterization is appropriate when an Airman's service has been honest and faithful, but significant negative aspects of the Airman's conduct or performance of duty outweigh the positive aspects. Although a General discharge is normally warranted in fraudulent enlistment cases, A1C [redacted] service has been satisfactory since his entry on active duty on 25 May 04. Therefore, an Honorable service characterization is appropriate in this case.

c. Probation and Rehabilitation (P&R): According to paragraph 5.21.3, since the sole basis for discharge is paragraph 5.15, Fraudulent Entry, the Respondent is not eligible for P&R.

d. Errors and Irregularities: I find no errors or irregularities that prejudice any substantial right of the Respondent.

5. Options You may:

- a. direct an Honorable discharge;
- b. direct an Under Honorable Conditions (General) discharge; or

6. Recommendation: I recommend that you sign the attached letter directing A1C [redacted] discharge from the Air Force, with an Honorable service characterization.

[redacted]

Chief, Adverse Actions

Concur.

[redacted]

Chief, Military Justice

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

20 DEC 2004

MEMORANDUM FOR A1C:

FROM: 343 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Fraudulent Enlistment. The basis for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.15. If my recommendation is approved, your discharge will be described as Honorable or Under Honorable Conditions (General). I am recommending your service be characterized as Honorable and you may be ineligible for reenlistment in the Air Force.
2. My reasons for this action are the Behavioral Analysis Service letter, dated 22 Nov 04, DD Form 2807-1, dated 15 Sep 03, and DD Form 2807-2, dated 10 Sep 03 and the DD Form 2808, dated 15 Sep 03. At the time of your enlistment, you indicated on your Medical Prescreen of Medical History Report, AF Form 2807-2, that you did not receive any type of counseling nor did you take medication for depression and aggression. However, you admitted to Behavioral Analysis Services that you were hospitalized for psychiatric treatment and received outpatient antidepressant therapy and treatment. Your civilian medical records revealed you were prescribed Celexa and Lexapro (antidepressants). Had the Air Force known of these conditions prior to your enlistment, you may not have been allowed entry into the military.
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.
4. You have the right to consult counsel. If you wish to consult military counsel, an appointment will be made upon your request and the date, time and place will be provided. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by (3 workdays) 27 Dec 04 unless you request and receive an extension for good cause shown. Your statements will be sent to the separation authority and will be made part of your case file that the separation authority will read.
6. If you fail to consult counsel or to submit statements on 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 Bldg 6612, Room 502, Monday – Friday between 1300 – 1500 hours with your medical, immunization, and dental records for the examination.

8. Any personal information you furnish in this rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the Unit Personnel Office.

9. Execute the attached acknowledgement and return it to me immediately.



Commander, Military Training Flight

Attachments:

1. AETC Form 125A, dated 9 Dec 04
2. Student Training Report
3. Behavioral Analysis Service letter, dated 22 Nov 04
4. DD Form 2808, dated 15 Sep 03
5. DD Form 2807-1, dated 15 Sep 03
6. DD Form 2807-2, dated 10 Sep 03