

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE	GEN	PERSONAL APPEARANCE	X	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	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES	A94.55	INDEX NUMBER	A67.10 A42.00	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	25 Jan 2007	CASE NUMBER	FD-2006-00085
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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, 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.

INDORSEMENT	DATE: 1/31/2007
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, 3RD FLOOR ANDREWS AFB, MD 20762-7002

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2006-00085

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.

ISSUES: Applicant received a General Discharge for Personality Disorder and Minor Disciplinary Infractions.

Applicant contends that his discharge is invalid. He states he was discharged for inadaptability to military life due to migraines induced by job-related stress which caused him to miss work. He contends that his condition has not changed and he still has migraines regularly and his requests for an MRI or CAT scan to check for medical problems were declined. He believes reason for discharge to be invalid. The records indicate the applicant received two Article 15s, a vacation and a Letter of Reprimand for misconduct. Misconduct included two incidents of AWOL; three incidents of making false official statements on leave forms and to a superior officer; and misusing his government charge card to make cash withdrawals for unauthorized purposes. Medical records indicate that applicant did suffer with migraines but was controlled with medication. His inadaptability was determined through a mental health evaluation conducted because of concerns regarding his fitness for duty and suitability for continued service. The evaluation concluded that applicant suffered from Adjustment Disorder with Anxiety and Depressed Mood, Personality Disorder-Dependent and Avoidant Features and Migraines. There was no evidence to warrant disposition through medical channels. He was mentally responsible for his behavior and possessed sufficient mental capacity to understand his actions. The evaluation stated that his disorder was so severe that the member's ability to function effectively in the military environment was significantly impaired. The Board reviewed the records and found no inequity or impropriety and concluded that the characterization of the discharge received by the applicant to be appropriate.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Eglin AFB, FL on 30 Mar 00 UP AFI 36-3208, para 5.11.1 and 5.49 (Personality Disorder and Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 3 Feb 77. Enlmt Age: 21 6/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-95, E-88, G-86, M-65. PAFSC: 1N031 - Intel Applications Apprentice. DAS: 5 Jul 99.

b. Prior Sv: (1) AFRes 25 Aug 98 - 9 Nov 98 (2 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 10 Nov 98 for 6 yrs. Svd: 01 Yrs 04 Mo 21 Das, of which AMS is 01 Yr 04 Months 16 days (excludes 5 days lost time).

b. Grade Status: AB - 20 Jan 00 (Vacation of Article 15, 8 Feb 00)
Amn - 20 Jan 00 (Article 15, 20 Jan 00)
A1C - Unknown

c. Time Lost: 24 Nov 99 thru 27 Nov 99 & 24 Dec 99 thru 26 Dec 99 (5 days).

d. Art 15's: (1) 29 Feb 02, Eglin AFB, FL - Article 86. You did, on or about 23 Dec 99, without authority, absent yourself from your place of duty at which you were required to be, to wit: Building 1306, located at Eglin AFB, FL, and did remain so absent until on or about 27 Dec 99. Article 107. You did, on or about 28 Jan 00, with intent to deceive, sign an official document, to wit: AF Form 988, which document was false in that the first day of chargeable leave was incorrect, and was then known by you to be so false. Suspended forfeiture of \$300.00 pay per month for 2 months. Forty five days extra duty. (No appeal) (No mitigation)

(2) 08 Feb 00, Vacation, Eglin AFB, FL - Article 107. You did, on or about 21 Jan 00, with intent to deceive, make to 1Lt [redacted] an official statement, to wit: that on 24 Dec 99 you traveled to Panama City, Florida, then to Tallahassee, Florida, and returned to Eglin AFB, Florida, on 27 Dec 99, before traveling to Hanson, Kentucky, or words to that effect, which statement was totally false, and was then known by you to be so false.

Reduction to AB. (No appeal) (No mitigation)

- (3) 20 Jan 00, Eglin AFB, FL - Article 86. You did, on or about 25 Nov 99, without authority, absent yourself from your place of duty at which you were required to be, to wit: Building 1306, located at Eglin AFB, Florida, and did remain so absent until on or about 28 Nov 99. Article 92. You, who knew of your duties within the continental United States, on divers occasions between on or about 14 Nov 99 and on or about 27 Nov 99, were derelict in the performance of those duties in that you willfully failed to refrain from using your government travel charge card to make cash withdrawals for other than official government travel expenses, as it was your duty to do. Article 107. You did, on or about 29 Nov 99, with intent to deceive, sign an official document, to wit: AF Form 988, which document was false in that the last day of chargeable leave was incorrect, and was then known by you to be so false. Reduction to AB (below the grade of Airman suspended). Thirty days extra duty. (No appeal) (No mitigation)

- e. Additional: LOR, 21 JAN 00 - Abusing leave policy by not starting and ending your leave at work or place of residence.
- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR.
- i. Stmt of Sv: TMS: (01) Yrs (07) Mos (00) Das
TAMS: (01) Yrs (04) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 Oct 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Medical Documentation.

4APR06/ia

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>		Form Approved OMB No. 0704-0004 Expires Aug 31, 2006
The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Service and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.		
PRIVACY ACT STATEMENT		
AUTHORITY: 10 U.S.C. 1553; E.O. 9397. PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual. ROUTINE USE(S): None. DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.		
1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.		
a. BRANCH OF SERVICE (X one) <input type="checkbox"/> ARMY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> NAVY <input checked="" type="checkbox"/> AIR FORCE <input type="checkbox"/> COAST GUARD		
b. NAME (Last, First, Middle Initial)		c. GRADE/RANK AT DISCHARGE E-1 AB
d. SOCIAL SECURITY NUMBER		
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 18 years ago, submit a DD Form 149) 20000530		
4. DISCHARGE CHARACTERIZATION RECEIVED (X one)		
<input type="checkbox"/> HONORABLE <input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS		
5. BOARD ACTION REQUESTED (X one)		
<input checked="" type="checkbox"/> CHANGE TO HONORABLE <input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) <input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO:		
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 33 OSS Cpl in AFB, FL		
6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) I was discharged for unadaptability to military life, this was determined through stating that i had job-related stress which was causing me to have regular migraine headaches which caused me to miss work. But since the discharge I have had no change, still have migraines regularly.		
7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.		
8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)		
9. TYPE OF REVIEW REQUESTED (X one)		
<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.		
<input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.		
<input type="checkbox"/> I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)		
10.a. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.)		b. TELEPHONE NUMBER (Include Area Code)
		c. E-MAIL
		d. FAX NUMBER (Include Area Code)
11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.		
<input type="checkbox"/> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER (Specify)		
12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)		b. TELEPHONE NUMBER (Include Area Code)
		c. E-MAIL
		d. FAX NUMBER (Include Area Code)
13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)		CASE NUMBER (Do not write in this space.)
a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)		FD 2006-00085
b. DATE SIGNED - REQUIRED (YYYYMMDD) 20051013		

14. CONTINUATION OF ITEM 8, ISSUES (If applicable)

So if this job-related stress was causing them i wouldn't still be having them. I asked numerous times to have an MRI or cat scan be done to check to see if something was medically wrong and was declined everytime. recently have gone to a neurologist who wants to schedule a MRI, bringing me to believe that been discharged for that reason is completely invalid.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

16. REMARKS (If applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 63132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593

FD 2006-00085



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 33D FIGHTER WING (ACC)
EGLIN AIR FORCE BASE, FLORIDA

MAR 22 2000

MEMORANDUM FOR AB: [redacted]
33 OSS (ACC)

FROM: 33 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for conditions that interfere with military service (mental disorders) and misconduct (minor disciplinary infractions). The authority for this action is AFPD 36-32 and AFI 36-3208, chapter 5, section B, paragraph 5.11.1, and section H, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable, general, or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 14 Jan 00, Major [redacted], Chief of the Eglin Mental Health Clinic, diagnosed you with an adjustment disorder on DSM IV Axis I and a personality disorder not otherwise specified (NOS) on Axis II. In his assessment, Major [redacted] stated that your disorder is so severe that your ability to function effectively in the military environment is significantly impaired. Major [redacted] further opined that "as a result of your extremely poor and apathetic attitude that you are temperamentally and emotionally unsuited for continued service in the United States Air Force." I believe that your mental disorders have had an adverse affect on your ability to function as an Air Force member—such as your security clearance being revoked, which prevents you from performing your assigned duties, and also delays in your upgrade training and the manpower burden that has fallen upon the other workers in your section.

b. You committed three offenses for which you received an Article 15, dated 29 Feb 00. The two separate incidents of misconduct include the following:

(1) On or about 23 Dec 99, you, without authority, absented yourself from your place of duty and did remain absent until on or about 27 Dec 99.

(2) On or about 28 Jan 00, you, with intent to deceive, signed an official document, an AF Form 988, which document was false in that the first day of chargeable leave was incorrect, and was then know by you to be false.

c. On or about 21 Jan 00, you with intent to deceive, made a false official statement to 1Lt [redacted]. You stated that on 24 Dec 99 you traveled to Panama City, Florida, then to Tallahassee, Florida, and returned to Eglin Air Force Base, Florida, on 27 Dec 99, before traveling to Hanson, Kentucky, or words to that effect, which statement was totally false. For this incident, you received a letter of reprimand, dated 21 Jan 00, and your suspended nonjudicial punishment of reduction to Airman Basic was vacated on 8 Feb 00.

d. You committed three offenses for which you received an Article 15, dated 20 Jan 00. The three separate incidents of misconduct include the following:

(1) On or about 25 Nov 99, you, without authority, absented yourself from your place of duty and remained absent until on or about 28 Nov 99.

(2) On divers occasions between on or about 14 Nov 99 and on or about 27 Nov 99, you were derelict in the performance of your duties when you willfully failed to refrain from using your government travel charge card to make cash withdrawals for other than official government travel expenses.

(3) On or about 29 Nov 99, you, with the intent to deceive, signed an official document, an AF Form 988, which was false in that the last day of chargeable leave was incorrect.


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 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. Special pay, bonuses, or education assistance funds may be subject to recoupment.

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 Capt: [redacted] at building 451, ext. 882-4185, on 23 MAR 00 at 1400 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 within **3 workdays** from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination with the 96th Medical Group on 27 Mar 00, at 0715 hours.
8. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on 23 Mar 00, at 1000 hours.
9. **Immediately** after completion of your 96th Mission Support Squadron separations section briefing report to the 96th Traffic Management Office with your completed AFDTTC Form 4134 or LGTT Office Form B133.
10. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on 28 Mar 00, at 0800 hours.
11. 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 in your unit orderly room.


Commander, 33 OS

Attachments:

1. Supporting Documents
 - 1a. 96 MDOS/SGOHC Memo, dated 20 Mar 00
 - 1b. 33 OSS/CC memorandum, dated 12 Mar 00
 - 1c. 96 MDOS/SGOHC Ltr, dated 14 Jan 00
 - 1d. Article 15, dated 29 Feb 00
 - 1e. LOR, dated 21 Jan 00
 - 1f. Vacation Action, dated 8 Feb 00
 - 1g. Article 15, dated 20 Jan 00
2. Airman's Acknowledgment