

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [Redacted]	GRADE AMN	AFSN/SSAN [Redacted]
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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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 A93.24	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 20 Mar 2007	CASE NUMBER FD-2006-00325	
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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.

* Reason and Authority

[Redacted]

INDORSEMENT		DATE: 5/29/2007
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	

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 partial relief. Upgrade of discharge to Honorable is approved. Change of reason and authority for discharge is denied.

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 characterization for discharge inequitable.

ISSUE:

Applicant contends discharge was inequitable because it should have been for medical reasons. The records indicated the applicant received an Article 15, five Letters of Reprimand, eight Records of Individual Counseling and a DD Form 1408 for misconduct. The DRB opined that if the applicant would have had a medical evaluation board a year earlier, his case would potentially have come to the Secretary of the Air Force Personnel Council as a dual-action case to determine which type of discharge (medical or administrative) would have been more appropriate. If that had been the case, the applicant may not have had the Article 15 and the misconduct committed in 1998 and 1999. In that situation, the Board concluded the relative weight and nature of previous misconduct did not warrant a general discharge characterization. Nonetheless, the Board could not totally dismiss or condone the episodes of misconduct. Hence, the Board concluded it would be inappropriate to change the reason and authority for discharge. Therefore, the majority of the board members voted to give the applicant an Honorable discharge characterization but not change the reason for discharge.

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 under the provisions of Title 10, USC 1553.

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 USAF Travis AFB, CA on 18 Jun 99 UP AFI 36-3208, para 5.49 (Miconduct - Minor Disciplinary Infractions). Appeals for Honorable and Change the Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 1 Jul 78. Enlmt Age: 17 9/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-85, E-31, G-42, M-24. PAFSC: 3A-31 - Information Management Apprentice. DAS: 27 Dec 96.

b. Prior Sv: (1) AFRes 19 Apr 96 - 10 Sep 96 (4 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 11 Sep 96 for 4 years. Svd: 02 Yrs 09 Mo 08 Das, all AMS.

b. Grade Status: Amn - 27 May 99 (Article 15, 27 May 99)
A1C - 18 Jan 98
Amn - 11 Mar 97

c. Time Lost: None.

d. Art 15's: (1) 27 May 99, Travis AFB, CA - Article 86. You did, on or about 5 May 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 176. You did, on or about 7 May 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 380A. You did, on or about 10 May 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 176. You did, on or about 11 May 99, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 176. Reduced to Amn. (No appeal) (No mitigation)

e. Additional: LOR/UIF, 03 MAR 99 - Failure to go.
LOR/UIF, 11 JAN 99 - Failure to go.
LOR, UIF, 20 OCT 98 - Sustandard behavior.
RIC, 19 OCT 98 - Late for work.
RIC, 09 OCT 98 - Medical Quarters instructions and showing responsibility.
LOR/UIF, 28 AUG 98 - Showing a lack of initiative or aberrant behavior.

RIC, 27 AUG 98 - For jumping the chain of comand and lack of initiative.
 LOR, 03 AUG 98 - Late for work.
 RIC, 22 JUL 98 - Late for work.
 RIC, 22 JUN 98 - Improper processing of accountability and safeguarding of forms.
 RIC, 20 APR 98 - Late for work.
 DD 1408, 07 MAY 97 - Double parked causing a backup accident.
 RIC, 02 MAY 97 - Job performance, shaving waiver and dress and appearance.
 RIC, 03 FEB 97 - Sleeping on the job, late to work and improper wear of the uniform.

f. CM: None.

g. Record of SV: 11 Sep 96 - 10 May 98 Travis AFB 3 (Initial)
 11 May 98 - 17 Feb 99 Travis AFB 2 (CRO) REF

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (03) Yrs (01) Mos (23) Das
 TAMS: (02) Yrs (09) Mos (08) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Aug 06.
 (Change Discharge to Honorable and Change the Reason for Discharge.)

Issue 1: I am requesting a review of my Military discharge. I was diagnosed as having schizophrenia with psychotic disorder after my separation from Active duty in December 1999. According to my VA doctors my condition was incurred or aggravated during my period of active duty, and I was rated 100% disable. changing my discharge from a General with Honorable condition to an Honorable discharge with the proper codes will allow me to use my GI bill benefits I invested in while on Active Duty.

Issue 2: My doctor recommended I try to get involve and taking a class or two will help my brain function a little better.

ATCH

1. DD Form 214.

30OCT06/day



DEPARTMENT OF THE AIR FORCE
60TH COMMUNICATIONS SQUADRON (AMC)

7 Jun 99

MEMORANDUM FOR AMN: [REDACTED], 60 CS

FROM: 60 CS/CC
581 Waldron Street
Travis AFB CA 94535

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Duty Performance, Failure to Perform Assigned Duties Properly, and Misconduct, Minor Disciplinary Infractions. The authority for this action is AFI 36-3208, paragraphs 5.26.1 and 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 as follows:

a. Unsatisfactory Duty Performance, Failure to Perform Assigned Duties Properly, paragraph 5.26.1.

(1) On or about 2 May 97, it was disclosed you were not completing your assigned duties properly and not complying with standards required by AFI 36-2903, by not following the recommended shaving technique and wearing extremely loose and baggy uniform. For your actions, you received a record of individual counseling (RIC) (Atch 1, Tab 1).

(2) On or about 22 Jun 98, it was disclosed you improperly processed accountable and safeguard forms, DD Forms 363 AF, Retirement Certificates and DD Form 1173-IS, ID Cards, by entering the quantity that was requested instead of the quantity that was shipped. For failing to perform assigned duties properly, you received an RIC (Atch 2, Tab 1).

(3) On or about 27 Aug 98, it was reported you failed to use proper chain of command, by not providing your supervisor the full information of your situation prior to discussing it with the First Sergeant. Further, you lacked the initiative and responsibility in completing projects. For this, you received an RIC (Atch 3, Tab 1).

(4) On or about 27 Aug 98, you failed to complete an assigned task within a reasonable time. It normally takes less than an hour to complete the task, but it took you 3½ hours or more. For this, you received a letter of reprimand (LOR) on 28 Aug 98, which was placed in an unfavorable information file (UIF) (Atch 4, Tab 1).

(5) As of 20 Oct 98, you failed to focus on your assigned duties and to bring your level of performance up to acceptable standards. Since your last LOR on 27 Aug 98, you were given a 45-day window to improve your duty performance, which you failed to do. During that time frame, you