

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) _____	GRADE AMN	AFSN/SSAN _____
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TYPE	GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>	YES	No	X		AMERICAN LEGION	1608 K STREET, NW WASHINGTON DC 20006
YES	No					
X						

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

ISSUES A94.06 A93.02 A93.24 A01.40 A94.10	INDEX NUMBER A94.10	EXHIBITS SUBMITTED TO THE BOARD														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	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
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HEARING DATE 31 May 2007	CASE NUMBER FD-2006-00420	
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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 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 - Upgrade
- + - Change RE Code
- * - Change Reason and Authority

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INDORSEMENT	DATE: 6/20/2007
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-2006-00420

GENERAL: The applicant appeals for upgrade of discharge to honorable, 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), with counsel, Mr. [REDACTED] of the American Legion, at Andrews AFB on 31 May 2007. The following witnesses also testified on the applicant's behalf: Mr. [REDACTED] the applicant's father, Ms. [REDACTED] the applicant's mother, and SrA [REDACTED] the applicant's twin brother.

The following additional exhibits were submitted at the hearing:

- Exhibit #5: American Legion Statement
- Exhibit #6: Medical Record Documents
- Exhibit #7: Character Letter from applicant's mother

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

FINDINGS: Upgrade of discharge is approved. 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 applicant substantiates an impropriety that would justify a change of discharge. However, based upon the evidence and testimony provided by applicant, the Board finds the characterization of the applicant's service to be inequitable.

Issues. Applicant contends his discharge was inequitable because it was too harsh, citing the ongoing treatment he received for a medical condition, Attention Deficit Hyperactivity Disorder, which affected the quality of his duty performance. The records indicated the applicant received an Article 15, three Letters of Reprimand, and three Letters of Counseling for minor disciplinary infractions and for twice failing his block examinations. After reviewing medical documents confirming the applicant's diagnosis and treatment for ADHD, the Board concluded that the applicant's medical condition likely contributed significantly to his inability to perform certain critical tasks essential to achieving certification in his chosen career field.

Applicant also contends that his youth and maturity at the time of his enlistment contributed to the administrative infractions that resulted in his discharge. The applicant also contends that he has now matured and has integrated the Air Force core values into making "better choices and decisions" on a daily basis. The Board was also pleased to see the valuable contributions he has made, since his discharge, as a self-employed contractor in the technical engineering field for a reputable cable and wireless communications company. The Board determined that the member's successes after leaving military service reflect favorably upon his character and ability to overcome adversity despite the characterization of his discharge. Additionally, recognizing the importance of mentorship of our new Airmen, the DRB further determined that had the applicant been assigned an "official sponsor" at the time he requested assistance during in-processing into his newly assigned organization the cascade of events resulting in cutting his career short may not have occurred.

With reference to the applicant's contention that his legal representation was inadequate, the DRB acknowledges the varied work schedules of Area Defense Counsels may involve multiple taskings, while provide legal defense covering multiple military installations. Thus, it is conceivable that the applicant's defense counsel did not spend the optimal amount of attention, as perceived by the applicant, necessary in preparing a proper defense in his case. Nonetheless, the DRB found no evidence of gross negligence on the

part of the applicant's legal counsel to the extent that independently justifies a change in his discharge characterization.

The Board also acknowledged the applicant's high motivation to re-enter military service, citing a desire to serve alongside his twin brother, an active duty Air Force member who has twice deployed to combat operations. However, in view of the applicant's reported difficulties experienced both during junior high school, due to ADHD, and the re-emergence of the disorder so soon after entering military service, the Board concluded that the applicant's clinical diagnosis poses an unreasonable risk for future unexpected exacerbations that could adversely affect his well-being and his unit's mission; particularly under the harsh operational conditions and unrelenting mental stressors confronting today's Air and Space Expeditionary 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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected as Honorable. Thus, the applicant's discharge characterization should be changed to Honorable 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 Mountain Home AFB, ID on 28 Oct 03 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge, to Change the RE Code and Reason for Disch.

2. **BACKGROUND:**

a. DOB: 30 Oct 81. Enlmt Age: 20 5/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-51, E-58, G-53, M-40. PAFSC: 1C531 - Aerospace Control & Warning System Apprentice. DAS: 18 Nov 02.

b. Prior Sv: (1) AFRes 5 Apr 02 - 8 Jul 02 (3 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Jul 02 for 6 years. Svd: 01 Yrs 03 Mo 20 Das, all AMS.

b. Grade Status: Amn - 04 Sep 03 (Article 15, 4 Sep 03)
A1C - 23 Aug 02

c. Time Lost: None.

d. Art 15's: (1) 4 Sep 03, Mountain Home AFB, ID - Article 86. You, did, on divers occasions, between on or about 31 Jul 03 and on or about 4 Aug 03, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 1788. Reduction to Amn. Restriction to the limits of Mountain Home AFB for 14 days, Suspended. (No appeal) (No mitigation)

e. Additional: LOR, 30 JUN 03 - Failure to go.
LOR, 24 JUN 03 - Disclosed critical information concerning his unit and it's mission to an individual without a need to know.

LOR, 23 MAY 03 - Failure to go.

LOC, 18 FEB 03 - Failed dorm room inspection.

LOC, 29 JAN 03 - Failed block test for the second time.

LOC, 27 JAN 03 - Spending extended periods of time in the BX without buying anything and making the employees uncomfortable.

f. CM: None.

g. Record of SV: None.

1330 hours in building 512. The telephone number is 828-2675. 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 within three workdays of the date of this memorandum unless you request and receive an extension for good cause shown. I will forward 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 have been scheduled for a medical examination. You must report to the Physical Examination Section at the hospital on Mountain Home AFB. Your scheduled medical examination is on 9 Oct 2003 at 1300 hours. You must be in uniform. If you wear glasses, wear them to the scheduled examination.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available at the Area Defense Counsel's office or your squadron orderly room.

9. You will surrender your ID card to me immediately. Proceed with a copy of this letter to the Military Personnel Flight (MPF), Customer Service, Building 512, Mountain Home AFB no later than 7 Oct 2003 where you will be issued a temporary ID card valid for 90 days. If the discharge action is still pending at the end of 90 days, another temporary ID card will be issued to you until the case is finalized.

10. A copy of this letter also authorizes you to proceed to the Security Forces, Pass and Registration Section, Building 7001, Visitor Control Center, no later than 1600 / 7 Oct 2003 where you will turn in your Mountain Home AFB vehicle sticker and your DoD vehicle decal. They will issue a temporary permit good for 90 days. If the discharge action is still pending at the end of 90 days, another temporary vehicle permit will be issued to you until the case is finalized.

11. Finally, proceed with a copy of this letter to the Traffic Management Office (TMO), in Building 512, immediately after receiving your separation orders from the Separations Section at the MPF for arranging shipment of your household goods.

[Redacted signature box]

Commander

7 Attachments:

- 1. Art 15, dated 04 Sep 03
- 2. LOR, dated 30 Jun 03
- 3. LOR, dated 24 Jun 03
- 4. LOR, dated 23 May 03
- 5. LOC, dated 18 Feb 03
- 6. LOC, dated 29 Jan 03
- 7. LOC, dated 27 Jan 03