

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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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		MR. SAMPSON	TEXAS VETERANS COMMISSION
YES	No					
X						

VOTE OF THE BOARD				
HON	GEN	UOTHC	OTHER	DENY
				X+*
X+				*

ISSUES	A94.06 A94.12 A92.36 A93.24 A94.56	INDEX NUMBER	A67.50 A67.90	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 HEARING

HEARING DATE	CASE NUMBER	
10 Aug 2010	FD-2008-00518	

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. via video teleconference between Andrews AFB, MD and Randolph AFB, TX.

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.

+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY
*RE Code

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 20762-7001
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2008-00518

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, via video teleconference between Andrews AFB, MD and Randolph AFB, TX on 10 Aug 2010.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

Exhibit #6: Medical Records

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

FINDING: The Board grants upgrade of discharge to honorable and change of reason and authority for discharge. The requested change of reenlistment code is denied.

The Board finds evidence of record does not substantiate an impropriety that would justify a change in the discharge. However, based upon the record and the evidence provided by the applicant, the Board finds the applicant's character of discharge and reason and authority for discharge to be inequitable.

ISSUE:

Issue 1. Applicant's counsel contends the discharge was inequitable and there are three complex reoccurring themes to this case; 1) Throughout the documented misconduct there were issues that are true, untrue, or unclear, however, the applicant never knowingly made a false statement; 2) Her command and medical personnel did not acknowledge that her PTSD symptoms were related to the documented misconduct; and 3) there was a lack of effort for serious rehabilitation of applicant. The records indicated the applicant received four Letters of Reprimand (LOR), three Records of Individual Counseling (RIC), and two Memorandums for Record (MFR) for misconduct. Her misconduct included false official statement; failure to comply with standards; job performance; violation of Quarters two times; failure to go; and financial irresponsibility. During applicant's testimony she admitted to the misconduct of one Quarters violation and one false official statement. Further testimony by the applicant mitigated one allegation of false official statement, one Quarters violation, failure to go, and financial irresponsibility. Following lengthy questioning and testimony, the DRB further determined that the additional allegations of misconduct for failure to comply with standards and job performance were mitigated. The DRB opined that the primary basis for applicant's discharge was based on the written feedback and performance evaluations her immediate chain-of-command received from the Dr. (Capt) C.G., a Dentist she supported as a Dental Assistant. Based on written feedback from additional Dentists and patient surveys, the DRB opined that the written feedback applicant receive from Dr. C.G. did not reflect her overall duty and job performance, and these poor performance evaluations created an atmosphere of mistrust and suspicion for additional minor disciplinary infractions or misconduct by the applicant. To address applicant's counsel concern regarding her PTSD, the Board opined that her leadership was not aware, due to applicant's desire, of the nature and depth of her affliction and therefore could not consider any possible diminished capacity when dealing with her misconduct. Further, the Board opined that any rehabilitation of the applicant was not considered due to her chain-of-command opinion that her job performance and compliance to standards could not be corrected (based on Dr. C.G. evaluations and minor misconduct issues). After considering the applicants records and testimony, the Board opined that the basis for applicant's discharge was improper. The Board grants the upgrade of the characterization of discharge to Honorable and change the reason and authority for the discharge to Secretarial Authority.

Issue 2. Applicant contends discharge was inequitable and too harsh because it was based on a minute incident in 27 months of service with no other adverse actions. The applicant testified and admitted to misconduct during her period of service. Through the applicant's testimony and lengthy questioning, the Board mitigated the most egregious of the applicant's misconduct. The Board grants the upgrade of the characterization of discharge to Honorable and change the reason and authority for the discharge to Secretarial Authority.

Issue 3. The applicant requests that the reenlistment (RE) code be changed so she may reenlist in the United States Armed Forces. Through the applicant's testimony the Board mitigated the most egregious of her misconduct, however the Board determined the RE code should not be changed.

CONCLUSION: 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 the applicant was provided full administrative due process. However, in view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief