

		<b>PERSONAL APPEARANCE</b>		<b>X RECORD REVIEW</b>				
		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO							
	X							
<b>MEMBERS SITTING</b>				<b>NON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
[REDACTED]								X
[REDACTED]								X
[REDACTED]								X
[REDACTED]								X
[REDACTED]								X
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>1 ORDER APPOINTING THE BOARD</b>				
A92.01, A92.15, A94.53		A67.50		<b>2 APPLICATION FOR REVIEW OF DISCHARGE</b>				
				<b>3 LETTER OF NOTIFICATION</b>				
<b>HEARING DATE</b>		<b>CASE NUMBER</b>		<b>4 BRIEF OF PERSONNEL FILE</b>				
01 03 30		FD0R-00063		COUNSEL'S RELEASE TO THE BOARD				
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
				TAPE RECORDING OF PERSONAL APPEARANCE HEARING				
<b>REMARKS</b>								
Case heard at 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.								
<b>SIGNATURE OF RECORDER</b>				<b>SIGNATURE OF BOARD PRESIDENT</b>				
[REDACTED]				[REDACTED]				
<b>TO:</b>				<b>FROM:</b>				
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002				

**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 the available pertinent data on the applicant and the factors leading to the discharge.

**FINDINGS:** Upgrade of discharge is denied.

The Board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issue 1. Applicant contends discharge was inequitable because he was unable to serve due to a relentless homosexual investigation. The records indicated the applicant received two Article 15s and a Letter of Reprimand for misconduct during his time of service. The misconduct included failing to go at the time prescribed to his appointed place of duty, being derelict in the performance of his duties in that he negligently failed to go to his annual flight physical and was rendered unqualified for duty a tower air traffic controller, and making a false statement to his commander during a formal investigative interview about taking property from his workplace. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. There was no evidence in the applicant's records, nor did he provide any, to substantiate his issues. If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other information contained in the records. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. His second performance reports had a lower overall rating than the first. Comments on the second report indicated the lower rating was appropriate due to the applicant missing appointments during the period of the report. There was no mention of an investigation involving the applicant with regards to homosexual activity on the base. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

**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 A1C) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 95/03/29 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 72/12/28. Enlmt Age: 18 3/12. Disch Age: 22 3/12. Educ:HS DIPL. AFQT: N/A. A-34, E-72, G-72, M-82. PAFSC: 1C151 - Air Traffic Control Apprentice. DAS: 92/01/28.

b. Prior Sv: AFRes 91/04/05 - 91/08/06 (4 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 91/08/07 for 4 yrs. Svd: 3 Yrs 7 Mo 23 Das, all AMS.

b. Grade Status: A1C - 95/02/06 (Article 15, 95/02/06)  
SRA - 94/08/07  
A1C - 92/12/07  
AMN - 92/02/07

c. Time Lost: none.

d. Art 15's: (1) 95/02/06, RAF Mildenhall, UK - Article 86. You did, o/a 23 Jan 95, w/o auth, fail to go at the time prescribed to your appointed place of duty. Rdn to A1C. (No appeal) (No mitigation)

(2) 94/01/14, RAF Mildenhall, UK - Article 92. You, who knew of your duties, o/a 3 Jan 94, were derelict in the performance of those duties in that you negligently failed to go for your annual flight physical scheduled for 8 Dec 93, rendering you now unqualified for duty as a tower air traffic controller. Rdn to Amn (susp till 13 Jul 94), and forfeiture of \$450.00 pay. (No appeal) (No mitigation)

e. Additional: LOR, 30 AUG 94 - False statement.

f. CM: none.

g. Record of SV: 91/08/07 93/04/06 RAF Mildenhall 4 (Initial)  
93/04/07 94/04/06 RAF Mildenhall 3 (Annual)  
(Discharged from RAF Mildenhall)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (25) Das  
TAMS: (3) Yrs (7) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/01/15. ~~---~~  
(Change Discharge to Honorable)

<sup>4</sup>  
Issue 1: Inability to Serve due to relentless homosexual investigations at RAF Mildenhall, UK between 1993 and 1995 Significant Punishment for Minor Offenses.

**ATCH**

1. Applicant's Letter, 15 Jan 01.
2. Enlisted Performance Report.
3. Staff Summary, Administrative Discharge.
4. Four Letters of Appreciation.

01, 02/28,ia



DEPARTMENT OF THE AIR FORCE  
UNITED STATES AIR FORCES IN EUROPE

28 Feb 1995

MEMORANDUM FOR [REDACTED]  
OPERATIONS SUPPORT SQUADRON

FROM: 100 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a Pattern of Misconduct. The authority for this action is AFPD 36-32 and AFI 36-3208, section H, paragraph 5.50. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.
2. My reasons for this action are:
  - a. On or about 23 January 1995, at or near RAF Mildenhall, Suffolk, United Kingdom, without authority, you failed to go at the time prescribed to your appointed place of duty, to wit: Bay Orderly, Dormitory 213. For this you received nonjudicial punishment under Article 15, Uniform Code of Military Justice (UCMJ).
  - b. On or about 12 July 1994, while questioned during a formal investigative interview, you gave false answers to your commander. For this you received a Letter of Reprimand, were placed on a Control Roster, and an Unfavorable Information File was established.
  - c. On or about 3 January 1994, you, who knew of your duties, at or near RAF Mildenhall, Suffolk, United Kingdom, were derelict in the performance of those duties in that you negligently failed to go for and pass your annual flight physical scheduled for 8 December 1993, rendering you unqualified for duty as a tower air traffic controller. For this you received nonjudicial punishment under Article 15, UCMJ.
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.
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 [REDACTED], Area Defense Counsel, at building 976, RAF Lakenheath, [REDACTED] on 28 February 1995, at 10:30 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 by **3 March 1995**, 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 in 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 48th Medical Group, Physical Examinations, at building 926, RAF Lakenheath at 0700 hours on 2 March 1995, for the examination.** You must be in uniform. If you wear glasses, you must have them **with** you. You must fast for **14** hours prior to your appointment and you may not consume any alcoholic beverages for **72** hours prior to your appointment if you have a history of diabetes in your family.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of **1974**. A copy of **AH 36-3208** is available for your use at the Unit Orderly Room or the Area Defense Counsel Office.

A large, dark, irregularly shaped redaction mark covering the signature area of the document.

Commander

Attachments:

1. Airman's Acknowledgment
2. Article **15**, dtd **13 Feb 95** w/Atch's
3. LOR, dtd **30 Aug 94**
4. Article **15**, dtd **14 Jan 94** w Atch's