

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> <b>SRA</b>	<b>AFSN/SSAN</b> [REDACTED]
--------------------------------------------------------------------------	----------------------------	--------------------------------

<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>		
	<b>X</b>		

<b>MEMBER SITTING</b>	<b>MEMBER SITTING</b>				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>

<b>ISSUES</b> A94.11 A94.05	<b>INDEX NUMBER</b> A67.10	<b>MEMBER SITTING</b>
		<b>1</b> ORDER APPOINTING THE BOARD
		<b>2</b> APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b> LETTER OF NOTIFICATION
		<b>4</b> BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE
<b>HEARING DATE</b> 14 Apr 2004	<b>CASE NUMBER</b> FD-2002-0091	

Case heard at Washington, D.C.

Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.

*[Handwritten Signature]*

**SIGNATURE OF RECORDING OFFICER**  
[REDACTED]

<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2002-0091**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was scheduled for a personal appearance before the Discharge Review Board (DRB) at Dobbins AFB, Georgia, in November, 2002, but did not respond to formal notification of the hearing date and failed to appear without requesting a postponement. The applicant was again scheduled for a personal appearance before the DRB at Fort Gillem, Georgia, in April 2004, but again failed to respond to formal notification of the hearing date and did not request a postponement.

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.

Issue. Applicant contends he was singled out, disciplined and discharged due to personality conflicts with his chain of command. The records indicated the applicant was discharged for minor disciplinary infractions after an earlier suspended discharge with probation and rehabilitation was vacated due to additional misconduct. The original basis for the suspended discharge was no longer in the record and therefore unavailable for review. However the basis for vacating the suspended discharge was member's co-habitation with a woman not his wife, allowing the woman to reside in his on-base quarters contrary to base housing regulations, and receiving variable housing allowance he wasn't entitled to. The record further reflected that member had received two Articles 15 for misconduct that consisted of assault, being drunk and disorderly, and making a false official statement. Additionally, applicant's last two Enlisted Performance Reports were rated an overall referral "3" and referral "2" and documented his poor off-duty conduct. At the time of the discharge, applicant consulted counsel and submitted a statement explaining the mitigating and extenuating circumstances of each new offense of which he was accused, and requesting his period of probation and rehabilitation be allowed to continue. The DRB was unable to find merit in applicant's claims of unfair bias against him, and opined that through the unit's extensive administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was 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

[REDACTED]  
 [REDACTED]  
 (Former SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 96/02/23 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 62/06/15. Enlmt Age: 18 10/12. Disch Age: 33 8/12. Educ:HS DIPL. AFQT: N/A. A-29, E-78, G-76, M-87. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: 92/02/18.

b. Prior Sv: (1) AFRes 81/04/23 - 81/10/25 (6 months 3 days) (Inactive).

(2) Enlisted as AB 81/10/26 for 4 yrs. Reenlisted as SRA 85/10/25 for 4 yrs. Extended 88/07/19 for 26 months. Svd: 9 yrs 9 months 21 days, all AMS. AMN - 82/04/26. AlC - 82/10/26. SRA/SGT - (LOE Indicates): 86/04/30-86/07/20. SSGT - (APR Indicates): 88/03/03-88/10/01. APRs: 9,9,9,9,9,9,9,9,9. EPRs: 4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSGT 91/02/14 for 6 yrs. Svd: 05 Yrs 00 Mo 09 Das, all AMS.

b. Grade Status: SRA - 95/02/06 (Article 15, 95/02/06)

c. Time Lost: none.

d. Art 15's: (1) 95/02/06, Eielson AFB, AK - Article 107. You, did, on or about 30 Sep 94, with intent to deceive, sign an official record, to wit: Military Pay Order, which statement of the departure date of your dependents, --- ---- and -----, was totally false, and was then known by you to be so false. Reduction to SRA. (Appeal/Denied) (No mitigation)

(2) 91/10/01, Anderson AFB, AK - Article 128. You did, on or about 16 Sep 91, unlawfully strike ----- in the chest with your fist and unlawfully bite ----- on the arm with your teeth. Article 134. You were, on or about 16 Sep 91, drunk and disorderly. Reduction to SRA (mitigated to forfeiture of \$50.00 pay 09 Jan 92). Forfeiture of \$325.00 pay per month for 2 months (suspended until 01 Oct 91). (No appeal)

e. Additional: (1) - Cohabiting with a woman not his wife.

- (2) - Allowing a woman not his wife to live in his quarters.
- (3) - Receiving VHA for which he was not entitled.

f. CM: none.

g. Record of SV: 90/04/15 - 91/04/14 Anderson AFB 5 (Annual)  
 91/04/15 - 92/04/14 Anderson AFB 3 (Annual)  
 92/04/15 - 92/10/07 Anderson AFB 4 (CRO)  
 92/10/08 - 93/10/07 Eielson AFB 4 (Annual)  
 93/10/08 - 94/10/07 Eielson AFB 5 (Annual)  
 94/10/08 - 95/09/09 Eielson AFB 3 (Cmdr Dir)REF  
 95/09/10 - 96/01/10 Eielson AFB 2 (Cmdr Dir)REF

(Discharged from Eielson AFB)

h. Awards & Decs: AFAM W/3 DEVS, AFCM W/1 DEV, AFLSAR W/2 DEVS, AFTR AFOSSTR W/3 DEVS, AFOSLTR, NDSM, SAEMR, NCOPMER W/1 DEV, AFOUA W/2 DEVS, AFGCM W/3 DEVS.

i. Stmt of Sv: TMS: (14) Yrs (10) Mos (01) Das  
 TAMS: (14) Yrs (03) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/02/25.  
 (Change Discharge to Honorable)

Issue 1: I feel that I was unduly jetisoned do to bad feelings and personality conflicts between my command over me. I was doing my part to write the ship (myself) and was unfairly treated by my command and forced out using old and dredged up issues.

**ATCH**

1. VA Form 21-22.

02/06/12/ia



DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

FD 2002-0091

FEB 14 1996

MEMORANDUM FOR 354 FW/CC

FROM: 354 MXS/CC  
1347 Loop Circle Ste 153  
Eielson AFB AK 99702-2795

SUBJECT: Legal Review of AFPD 36-32 and AFI 36-3208 Discharge Action  
SrA [REDACTED] (PACAF)

1. I have reviewed the vacation of suspension of discharge package of SrA [REDACTED], and find that it is legally sufficient to support the proposed action. I concur with the recommendation of the unit commander that SrA [REDACTED] general discharge based on Misconduct - Minor Disciplinary Infractions, AFPD 36-32 and AFI 36-3208, paragraph 5.49, be executed.
2. The following incidents form the basis for this action:
  - a. Between on or about 18 Aug 95 and on or about 17 Nov 95, SrA [REDACTED] was cohabiting with [REDACTED] a woman not his wife. This conduct was of a nature to bring discredit upon the Air Force.
  - b. Between on or about 15 Sep 95 and on or about 17 Nov 95, SrA [REDACTED] allowed [REDACTED] to live in his quarters at [REDACTED] Street, Eielson Air Force Base, Alaska. This was in direct violation of family housing policies that require permission of the base commander for guests to stay for over thirty days. These policies were briefed to him prior to housing assignment.
  - c. Between on or about 18 Aug 95 and on or about 14 Sep 95, SrA [REDACTED] received \$90.80 in VHA for which he was not entitled. During this time period, he had been rent sharing with [REDACTED] and not entitled to that portion of VHA.
3. All procedures required by AFPD 36-32 and AFI 36-3208 have been properly complied with, and the case has been appropriately processed. SrA [REDACTED] is entitled to and has conferred with legal counsel. He has elected to submit a statement for your consideration. His statement is attached to this package.

4. You, as special court-martial convening authority, are the separation authority for this action. You may:

- a. Approve the recommendation and direct execution of the general discharge.
- b. Recommend that the respondent be separated with an honorable and forward the case to the general court-martial convening authority (11 AF/CC) or his designee (11 AF/CV) for action.
- c. Disapprove the recommendation and direct that the P&R period be continued.

5. RECOMMENDATION: I recommend you execute the approved discharge separating the respondent with a general discharge. SrA [redacted] continued presence in the Air Force is not consistent with the interest of the Air Force in maintaining proper discipline, good order, leadership, and morale. SrA [redacted] was given ample opportunity to rehabilitate himself but failed to do so. I believe the Air Force's best interest is to execute SrA [redacted] discharge without delay. I agree with the recommendation of the initiating commander that SrA [redacted] be separated with a general discharge.

[redacted signature]

Capt, USAF  
Chief, Military Justice

I concur.

[redacted signature]

Capt, USAF  
Deputy Staff Judge Advocate

Attachment:  
Discharge Package -SrA [redacted]

DEPARTMENT OF THE AIR FORCE  
PACIFIC AIR FORCES

JAN 17 1996

MEMORANDUM FOR SRA [REDACTED]

FROM: 354 MXS/CC  
1347 Loop Circle Ste 153  
Eielson AFB AK 99702-2795

SUBJECT: Notification Letter-- Vacation of Suspension of Discharge

1. I am recommending your suspended discharge from the United States Air Force for Minor Disciplinary Infractions according to AFD 36-32 and AFI 36-3208, under the provisions of paragraph 5.49, be vacated and that your approved discharge be executed, under the provisions of paragraph 7.12. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are:

a. Between on or about 18 Aug 95 and on or about 17 Nov 95, you, a married man, were cohabiting with [REDACTED] a woman not your wife. This conduct was of a nature to bring discredit upon the Air Force.

b. Between on or about 15 Sep 95 and on or about 17 Nov 95, you allowed [REDACTED] to live in your quarters at [REDACTED] street, Eielson Air Force Base, Alaska. This was in direct violation of family housing policies that require permission of the base commander for guests to stay for over thirty days. These policies were briefed prior to housing assignment.

c. Between on or about 18 Aug 95 and on or about 14 Sep 95, you received \$90.80 in VHA for which you were not entitled. During this time period, you had been rent sharing with [REDACTED] and not entitled to that portion of VHA.

3. This action could result in your separation with a general discharge. The commander exercising SPCM jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces.

4. You have the right to:
  - a. Consult legal counsel.
  - b. Submit statements in your own behalf.
  - c. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
  
5. You have/~~have not~~ been scheduled for a medical examination. You must report to Physical Examination Section, 354th Medical Group, Building 3349, at 0730 on 18 Jan 96.
  
6. Military legal counsel (Captain [REDACTED] Area Defense Counsel, Building 3112, Room 155, Eielson AFB, Alaska, Duty Phone [REDACTED] has been obtained to assist you. An appointment has been scheduled for you to consult him on \_\_\_\_\_ at \_\_\_\_\_. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.
  
7. Confer with your counsel and reply, within 7 workdays, with a rebuttal or a waiver of the right to rebut. The statement must be signed in the presence of your counsel who also will sign it. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver your rights.
  
8. 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 orderly room.
  
9. The discharge board or, the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).
  
10. Execute the attached acknowledgment and return it to me immediately.

[REDACTED] USAF  
Commander