

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE SSGT	AFSN/SSAN [REDACTED]		
TYPE GEN	PERSONAL APPEARANCE		X RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO				
	X				
MEMBERS SITTING			VOICE OF THE BOARD		
			HON	GEN	UOTHC
					OTHER
					DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A92.37, A94.11, A94.05		INDEX NUMBER A72.00		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 02-09-17		CASE NUMBER FD2002-0162			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
REMARKS 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.					
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT				DATE: 02-09-17	
TO: SAF/MIBR 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, 3 RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0162

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

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 or that provided by the applicant substantiates an impropriety or inequity that would justify an upgrade of the discharge to honorable.

Issues. Applicant received an Under Other Than Honorable Conditions (UOTHC) discharge pursuant to his request to be discharged in lieu of trial by court martial for one count of violating a lawful general order by having an intimate personal relationship with an applicant while he was recruiter, wrongfully dating said applicant, wrongfully releasing applicant information to a person outside the Department of Defense, signing a false official statement given to the county magistrate office for the purpose of deceiving, and making a false official statement to his commander regarding misuse of his government vehicle. Applicant contends the discharge was inequitable because it was too harsh compared to other military members who committed similar or more serious offenses but were allowed to remain in the military service. He states he expected to receive only an Article 15 and be sent back to his primary career field, and thought was made an example of by the referral of court martial charges. The Board concluded member's misconduct was an extremely significant departure from conduct expected of all military members, and included several offenses involving an abuse of his position as a recruiter. The Board further notes that voluntarily applicant submitted his request for discharge in lieu of trial by court martial and acknowledged in doing so his characterization of service could be deemed under other than honorable conditions. Furthermore, in accordance with the discharge regulations, airmen discharged under these circumstances usually do have their service characterized as UOTHC. Therefore the Board found applicant's issues without merit.

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] (Former SSGT) (HGH SSGT) MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF 97/04/17 UP AFI 36-3208, para 4.3(Discharge in Lieu of Trial by Court-Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 68/04/01. Enlmt Age: 18 3/12. Disch Age: 29 0/12. Educ: HS DIPL. AFQT: N/A. A-48, E-74, G-70, M-94. PAFSC: 3P051 - Security Journeyman. DAS: 95/10/15.

b. Prior Sv: (1) AFRes 86/07/18 - 87/04/05 (8 Mos 18 Days)(Inactive).

(2) Enlisted as AB 87/04/06 for 6 yrs. Svd: 5 Yrs 4 Mos 0 Days, all AMS. AIC - 87/05/20. SRA - 89/09/08. APRs: 9,9. EPRs: 5,5,4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 92/08/28 for 6 yrs. Svd: 4 Yrs 7 Mo 20 Das, all AMS.

b. Grade Status: SSGT - 93/06/01.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV:	92/05/02 - 93/05/24	Grand Forks AFB	5	(Annual)
	93/05/25 - 94/05/02	Fairmont WV	5	(CRO)
	94/05/03 - 95/05/02	Fairmont WV	5	(Annual)
	95/05/03 - 96/05/02	Fairmont WV	5	(Annual)

(Discharged from Wright Patterson AFB)

h. Awards & Decs: AFCEM (1OLC), AFLSW (1OLC), AFTR, AFOLTR, NDSM, SAEMR, NCOPMER, AFOUA (1OLC), AFGCM (2OLC).

i. Stmt of Sv: TMS: (9) Yrs (9) Mos (0) Das
TAMS: (10) Yrs (0) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/04/01.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214

02/07/31/cr

April 5, 2002

Dear Sir or Mam

My name is [REDACTED] I spent 10 years in the Air Force and loved every minute of it. I was a career oriented person and I made the Air Force my life. I spent 6 ½ years as a Security Specialist then I got into Recruiting where I spent 3 ½ years. Recruiting is a career that was not for everyone and it was definitely not for me. Upon completion of my tour, I intended to return to my primary career field. This was not a secret any time I was asked what my intentions towards Recruiting were I gave an honest reply. Recruiting takes a lot of time and effort to be good at it and for me it took extra because I struggled with it at first. I overcame my problems and became a very good Recruiter. While in Recruiting I also went through some hard times. My marriage began falling apart. My mother was diagnosed with lung cancer and died. My Aunt was diagnosed with liver cancer and died. All of this transpired over years time period. I then made a terrible mistake; I wanted out of my marriage because I was very unhappy. I had a young lady that had stopped into my office and was talking with my office partner about the Air Force. She then started talking with me about personal things. This young lady started coming in on a daily basis chatting with me. Then one weekend while at my father's house I got a phone call from her asking me to go to a Birthday party at her house. I did and things quickly developed between her and I. Shortly afterwards we moved in together. She was fully aware that I was married and working on getting divorced. After being together for a couple of months I started to realize that I was being used. She had no job, so I was paying for everything. I bought her a dog from pet store that cost me \$1,200.00. Then people started looking for her over bounced checks to include the police. I paid out over \$1,500.00 to help keep her out of jail. After that we split up and she left. I then learned that I had a \$300.00 phone bill that she had ran up. She had moved in with her parents and I attempted to contact her there because I wanted reimbursed. I had involved her mother, which created problems for her there at home making her mad.

She contacted my supervisor [REDACTED] and informed him of our relationship and he instructed her on how to go about reporting me. After being reported an investigating officer was sent to question me. I fully admitted what I had done to him. I was then pulled from my office in Bridgeport, WV and made to drive to our Squadron in Cannonsburg, PA.

This was 130 miles round trip every day. This started in October 1996. My duty uniform went from Service Dress to BDU's. I was then put to work on display in our Squadron doing trivial stuff, cleaning the warehouse, transporting furniture, transporting vehicles, helping move offices and doing thousands of mail out's (stuffing and addressing envelopes). I did this for about six months while they were completing their investigation and deciding what to do with me. During this time period I remained professional and did what was expected of me. I also became curious as to what my outcome would be so I started looking into it. I had been advised to get a copy of the last Recruiter Impropriety Report. This report was an unofficial report done up by Headquarters Recruiting stating what recruiters from the previous year had done and what their punishment was. This report was a negative type of motivation that was addressed to us during our Squadron Annual Awards Banquet. I did and by looking at it I, expected to get an Article 15 and be sent back to my primary career field. During my investigation in the media there was a female Captain in North Dakota being brought up on Adultery Charges and there were Army Basic Training Instructors being charged With Misconduct. This investigation drug on for months. I was then approached by a friend [REDACTED], who advise me that "I was going to be made an example of". My Commander [REDACTED] did just that, he decided to court-martial me. Rather than be court-martialed, I was advised of a Chapter 4 release. I gladly applied and received the release however it was under Other Than Honorable Conditions.

Shortly after getting out my old office partner [REDACTED] saw me and informed me that [REDACTED] ([REDACTED]) from the Health Professions side, ([REDACTED] was a career recruiter.) had gotten in the same type of trouble for getting involved with one of his nurse recruits. [REDACTED] gave [REDACTED] and Article 15. He lost his line number for MSgt and was sent back to his old career field.

I know what I did was wrong and I admitted what I did and I expected to be disciplined for it, but I did not believe it would be so harsh. Up until that point of my career I had never been in trouble and even in recruiting I had never been in trouble. I had never received even a letter of concealing. In 10 years of service I had one bad EPR it was a 4. The rest were all 9 APR's and 5 EPR's. Even in recruiting I received 5's. If you read my 214 until you get to the discharge block it looks exemplary. I thought the Military Justice System was supposed to be fair and that the punishment was to fit the crime. I believe I was punished for about six months and then sentenced. If I was

made an example of, Why did the next person get and Article 15? I lost 10 years and a career; he lost a line number!

The ideal resolution for me would be reinstatement to my old career field at my old rank and allowed finishing my career in the Air Force. I know that is an impossibility so I am only requesting that my Discharge be upgraded to an Honorable Discharge.

Thank You.

[REDACTED]



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, 88TH AIR BASE WING (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE, OHIO

11 April 1997

MEMORANDUM FOR 88 ABW/CC

FROM: 88 ABW/JA [REDACTED]

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial --
[REDACTED]

1. I have reviewed the request for discharge in lieu of court-martial and the commander's recommendation. I concur with the commander's recommendation. The request package is legally sufficient.

2. **Background:**

a. Between on or about 10 November 1995 and 30 June 1996, [REDACTED] engaged in an adulterous relationship with [REDACTED], an applicant to the USAF. When that relationship ended, he misused his position as a recruiter in the USAF to obtain derogatory information about [REDACTED] from the [REDACTED] County Magistrate's Clerk. He compounded that offense by leading the clerk to believe that [REDACTED] was currently an applicant to the USAF, at the time she was not, and that the information obtained would be used to evaluate her application to the USAF. On or about 1 November 1996, [REDACTED] made a false official statement when he denied allowing [REDACTED] to accompany him in his GOV while he transported applicants, a statement known by him to be false at the time he made it.

b. On or about 21 March 1997, [REDACTED] submitted this request for discharge in lieu of court-martial improperly to the Investigating Officer at his Article 32 Hearing. As submitted his request contained no recommendation from his squadron commander. This office forwarded the package to 311 RCS/CC for coordination. On 27 March 1997, charges were referred.

c. On 9 April 1997, RCS/CC recommended that the request for discharge be approved. 311 RCS/CC feels that: [REDACTED] personal problems contributed to his lack of judgment; administrative separation would be both faster and less expensive in terms of man-hours and money; [REDACTED] has admitted to his guilt when questioned; a lengthy trial would have a negative impact on [REDACTED] children, and that the outcome of a chapter 4 request would not significantly differ from the punishments levied from a special court martial.

3. **Analysis:**

a. As the General Court-Martial Convening Authority, you have the authority to accept or deny the request for discharge. If you accept the discharge, you must also determine the characterization of the discharge. If you decide a discharge is appropriate, [REDACTED] commander concurs with the accused and recommends a discharge under other than honorable conditions (UOTHC).

b. The Air Force and [REDACTED] are the victims in this case. I concur with the commander's recommendation that this request be approved. [REDACTED] also expressed the opinion that administrative resolution is appropriate. [REDACTED] failed to maintain standards by violating various recruiting regulations. However, he did accept responsibility for his actions. A UOTHC discharge is the most adverse characterization of service authorized for administrative separations. [REDACTED] misconduct failed to comply with Air Force recruiter standards of behavior. The nature of his misconduct warrants a UOTHC service characterization.

4. **88 ABW/CC Options:**

a. Deny the request and proceed to trial by court-martial, or

b. Grant the request and characterize [REDACTED] service as UOTHC, General, or Honorable.

5. **Recommendation:** Grant the request and characterize [REDACTED] service as UOTHC by signing the letter at Tab 1.

[REDACTED]

Lieutenant Colonel, USAF
Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
AIR FORCE RECRUITING SERVICE (AETC)

FD 2002-0162



MEMORANDUM FOR 88 ABW/CC

APR 09 1997

FROM: 311th RCS/CC
121 Hillpointe Dr., Suite 500
Canonsburg, PA 15317-9502

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial
[REDACTED]

1. I recommend that the attached request for discharge be approved for the following reasons:

- a. [REDACTED] was experiencing great emotional turmoil in his life when he committed these offenses. I believe the passing of his mother and aunt due to cancer and his failing marriage contributed to his lack of good judgment in this case.
- b. [REDACTED] has two young children who need the support and attention of their dad. A lengthy trial process would certainly have a negative impact on his children for some time to come.
- c. [REDACTED] has had an impeccable record up to this incident. Since my arrival in Jun 95, he has performed well above average as a recruiter. As a matter of fact, in one month alone he single-handedly reserved ten non-prior service applicants. He has won several awards and distinctions since being assigned to the 311th RCS.
- d. During this entire ordeal, [REDACTED] has been forthcoming, admitting to his guilt when questioned. I believe [REDACTED] is truly remorseful. While awaiting the outcome of his plight, he has been working here at the squadron headquarters. He has approached every task given with a positive attitude and completed them with excellent results. Although not allowed, he has volunteered to speak at commander's call so others may benefit from his mistakes.
- e. We must also consider the cost/time factor of a special courts-martial and the probable outcome versus chapter four proceedings. A courts-martial would place a great financial burden upon the Air Force pending the outcome of the proceedings and the appropriate reviews. The entire process of a special courts-martial will additionally require several hundred man-hours to complete. A chapter four process would be quick yet effective.

- f. In this case the defendant himself has chosen his punishment, Under Other than Honorable Conditions Discharge with loss of all benefits. After carefully reviewing the circumstances surrounding the victim and her mother, I believe the outcome of a special courts-martial would not significantly differ from the punishments levied from a chapter four.

2. [REDACTED]

- a. Is not under investigation.
 - b. Is not awaiting action under AFIs 36-2503 and 36-2902, or another section of this regulation.
 - c. Is not awaiting result of trial.
 - d. Is not absent without authority.
 - e. Is not absent in hands of civil authorities.
 - f. Has not been referred to a medical facility for examination.
 - g. Is not in default with respect to public property or public funds.
 - h. Has not completed 16 or more years of active military service.
 - i. Is not accountable or responsible for public property or funds.
 - j. Member has not received special pay, bonuses, or education assistance.
3. There has not been a report of recent misconduct.
4. Court-Martial charges were preferred on 27 February 1997. Attached are:
- a. A copy of the charges, DD Form 458, Charge Sheet
5. Charges have been referred to trial on 27 March 1997.
6. At the time of the misconduct, the airman did not have any mental disease or defect that caused him to lack the substantial capacity either to appreciate the criminality (wrongfulness) of the acts, or to conform to the law (AFI 44-109). The airman presently has the capacity to understand the nature of the proceedings and to assist in the defense.
7. [REDACTED] does not hold a Reserve of the Air Force appointment as a commissioned or warrant officer.
8. Other information:
- a. Date and term of enlistment: 28 Aug 92 for 6 years; Pay date: 6 Apr 87; TAFMSD 6 Apr 87; Prior Service: None
 - b. Date of Birth: 1 Apr 68
 - c. Test Scores: ADMIN 48 MECH 94 ELECT 74 GEN 70
 - d. Formal Training: USAF Security Specialist School July 1987, NCO Prep Course February 1990, USAF Recruiting School November 1993
 - e. Date assigned to unit: 20 Dec 93
 - f. Current grade effective date: 1 Jun 93

- g. Demotions: None
- h. Time lost: None
- i. Record of disciplinary actions: None
- j. Overall rating or ratings on enlisted performance reports:

Last 5B 960502	6 th 4B 910802
2 nd 5B 950502	7 th 5B 900802
3 rd 5B 940502	8 th 5B 900331
4 th 5B 930524	9 th 9A 890405
5 th 5B 920501	10 th 9A 880405

9. Favorable communications, citations, or awards: See attached

10. Derogatory data, other than action by courts-martial or under Article 15, UCMJ: None.

11. The above areas considered, I feel a discharge in lieu of trial by court-martial is sufficient punishment and is in the best interest of the Air Force and the individual.



Commander

Atch:

- 1. DD Form 485
- 2. Favorable communications, 7 ea.