

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SRA	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
						X

ISSUES A92.35	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD	
		1	ORDER APPOINTING THE BOARD
		2	APPLICATION FOR REVIEW OF DISCHARGE
		3	LETTER OF NOTIFICATION
HEARING DATE 15 MAY 03	CASE NUMBER FD2002-0521	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

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 [Signature]	SIGNATURE OF BOARD PRESIDENT [Signature]
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INDORSEMENT	DATE: 15 MAY 03
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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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0521

GENERAL: The applicant appeals for upgrade of discharge to Honorable, change of reason for discharge, and change of reenlistment eligibility (RE) code.

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 the 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. Applicant states that his discharge was based on one incident in what were 13 years and 7 months of otherwise exemplary service. The records indicated that the applicant received two Letters of Reprimand and one Article 15 for misconduct. The misconduct included engaging in unprofessional relationships with subordinates. The applicant asked an Airman First Class to lie on his behalf and engaged in unprofessional relationships with two Airman under his direct supervision. The DRB opined that the applicant had an adequate understanding of his duties and responsibilities as a non-commissioned officer. The Board concluded the misconduct was a significant departure from the conduct expected of all military members, and particularly so for non-commissioned officers.

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, 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 6 Aug 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 30 Oct 66. Enlmt Age: 18 7/12. Disch Age: 32 9/12. Educ: HS DIPL. AFQT: N/A. A-29, E-55, G-55, M-76. PAFSC: 2A353B - F-16/F-117 Tactical Airlift Maintenance. DAS: 3 Apr 98.

b. Prior Sv: (1) AFRes 25 Jun 85 - 16 Dec 85 (5 Mos 22 Days) (Inactive).

(2) Enld as AB 17 Dec 85 for 4 yrs. Reenld as SRA 4 Oct 89 for 6 yrs. Ext: 24 Jun 94 for 3 months. Svd: 8 Yrs 10 Mos 18 Das, all AMS. AMN - (APR Indicates): 17 Dec 85-16 Dec 86. A1C - (APR Indicates): 17 Dec 86-16 Dec 87. SRA - (APR Indicates): 17 Dec 88-30 May 89. SGT - (EPR Indicates): 31 May 89-31 Mar 90. SSGT - 1 Nov 94. APRs: 9,9,8,9. EPRs: 4,5,4,4,4,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SSGT 4 Nov 94 for 6 yrs. Svd: 4 Yrs 9 Mos 3 Das, all AMS.

b. Grade Status: SRA - 11 Jun 99 (Article 15, 11 Jun 99)

c. Time Lost: None.

d. Art 15's: (1) 11 Jun 99, Luke AFB, AZ - Article 134. You, did, at or near Phoenix, AZ, engage in unprofessional relationships with A1C ----- and A1C -----, by playing strip poker with them, which conduct was to the prejudice of good order and discipline of the Armed Forces. You, did, at or near Phoenix, AZ, engage in an unprofessional relationship with A1C ----, by having him call your wife and tell her that he placed a condom in your backpack, which conduct was to the prejudice of good order and discipline of the Armed Forces. Reduction to SRA. (No appeal) (No mitigation)

e. Additional: LOR, 16 FEB 99 - Operating an uninsured motor vehicle and failure to come to a complete stop at a stop sign.

LOR, 06 AUG 98 - Financial irresponsibility.

f. CM: None.

g. Record of SV: 24 Oct 94 - 23 Oct 95 Misawa AB 5 (Annual)
24 Oct 95 - 30 Aug 96 Misawa AB 5 (CRO)
31 Aug 96 - 30 Aug 97 Misawa AB 5 (Annual)
31 Aug 97 - 02 Mar 98 Misawa AB 5 (CRO)
03 Mar 98 - 02 Mar 99 Luke AFB 4 (Annual)

(Discharged from Luke AFB)

h. Awards & Decs: AFCM, AFLSA W/2 DEV, AFTR, AFOSTR, AFOLTR W/1 DEV, NDSM, SAEMR, NCOPMER, AFOUA W/4 DEV, AFGCM W/3 DEV.

i. Stmt of Sv: TMS: (14) Yrs (1) Mos (13) Das
TAMS: (13) Yrs (7) Mos (21) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 Nov 02.
(Change Discharge to Honorable)

Issue: My discharge was iniquitable because it was based on one isolated incident in 13 years and 7 months of service with no other adverse actions.

ATCH
None.

26Feb03/cr

- b. Present your case to an administrative discharge board.
 - c. Be represented by legal counsel at a board hearing.
 - d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
 - e. Waive the above rights. You must consult counsel before making a decision to waive your rights.
5. You must retrieve your medical records from the 56th Medical Group Hospital Outpatient records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this AFI 36-3208 discharge package for medical review and/or examination.
6. I have made an appointment for you to consult the Area Defense Counsel, Bldg 1150, Suite 3015, Extension 6701 on 16 Jul 99 at 1100 hours. 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 by 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, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed after consultation with your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. 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 of the right to a board hearing.
8. The Privacy Act protects any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in your unit orderly room. If you request a board and fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.
9. Execute the attached acknowledgment and return it to me immediately.



Commander

USAF

Attachments:

1. AF Form 3070, dated 11 Jun 99
2. Submission of Matters
3. Letter of Reprimand, dated 16 Feb 99
4. AF Form 1058, dated 4 Mar 99
5. Letter of Reprimand, dated 6 Aug 98