

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	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			VOTE OF THE BOARD					
			HON	GEN	UOHC	OTHER	DENY	
ISSUES A93.07, A92.37, A93.11			INDEX NUMBER					
			A67.30			EXHIBITS SUBMITTED TO THE BOARD		
			1	ORDER APPOINTING THE BOARD				
			2	APPLICATION FOR REVIEW OF DISCHARGE				
			3	LETTER OF NOTIFICATION				
HEARING DATE 8 JULY 03			CASE NUMBER					
			FD2003-00014			4	BRIEF OF PERSONNEL FILE	
			COUNSEL'S RELEASE TO THE BOARD					
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE					
TAPING 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								
<p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.</p>								
SIGNATURE OF RE...			SIGNATURE OF BOARD PRESIDENT					
INDORSEMENT			DATE: 8 JULY 03					
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

FD2003-00014

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for misconduct, commission of a serious offense. Member was tried at Special Court Martial and found guilty of five related offenses. He pled guilty only to one of the charges, that being violation of a no contact order with A1C MC, his active duty Air Force spouse. The other charges he was convicted of consisted of leaving his place of duty without authority, making a false official statement to a SSGT who was his escort during pre-trial confinement regarding a phone call he made to his spouse, assaulting his spouse, and communicating a threat to break his spouse's neck. During the discharge processing, the unit commander considered withdrawing the discharge to give member another opportunity for rehabilitation; the commander changed his mind after member received a subsequent Letter of Reprimand following his arrest by civilian authorities for making harassing and threatening phone calls to one of his estranged wife's friends. The Board noted that applicant's misconduct was very serious and not compatible with Air Force standards; the degree of member's misconduct outweighs the applicant's otherwise acceptable service during the period of enlistment under review, and warrants the characterization of service received.

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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 28 Feb 02 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 13 Feb 79. Enlmt Age: 20 6/12. Disch Age: 23 0/12. Educ: HS DIPL. AFQT: N/A. A-48, E-43, G-37, M-39. PAFSC: 3E131 - Heating, Vent, A/C & Refrigeration Apprentice. DAS: 23 Nov 99.

b. Prior Sv: (1) AFRes 7 Sep 99 - 22 Nov 99 (2 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Nov 99 for 6 yrs. Svd: 2 Yrs 3 Mo 6 Das, all AMS.

b. Grade Status: AB - 19 Dec 01 (SPCM, 4 Dec 01)
A1C - 13 Feb 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 7 JAN 02 - Civilian arrest for making harassing and threatening phone calls.

f. CM: Special Court Martial, 4 Dec 01

CHARGE: Article 86.

Specification: Did, at Barksdale AFB, LA on or about 29 Oct 01, without authority, go from his appointed place of duty. Plea: Not Guilty. Finding: Guilty.

CHARGE: Article 90.

Specification: Having received a lawful command from Lt Col ----, his superior commissioned officer, to have no further contact with his spouse, A1C -----, did, at or near Barksdale AFB, LA, from on or about 28 Oct 01 to on or about 7 Nov 01, willfully disobey the same. Plea: Guilty. Finding: Guilty.

CHARGE III: Not Guilty.

CHARGE IV: Article 107.

Specification: Did, at or near Barksdale AFB, LA, on or about 7 Nov 01, with intent to deceive, make to SSgt -----, an official statement, to wit: "that he was calling a phone number, and that he was then forwarded to his home phone," or words to that effect, which statement was totally false, and was then known by him to be so false. Plea: Not Guilty. Finding: Guilty.

CHARGE V: Article 128.

Specification 1: Not Guilty.

Specification 2: Did, at or near Bossier City, LA, on or about 29 Oct 01, unlawfully assault A1C ----- on her face by striking it with a cell phone and on her neck by twisting it with his hands. Plea: Not Guilty. Finding: Guilty.

CHARGE VI: Article 134.

Specification: Did, at or near Bossier City, LA, on or about 29 Oct 01, wrongfully communicate a threat to injure her by breaking her neck. Plea: Not Guilty. Finding: Guilty. Sentence adjudged on 4 Dec 01: Reduction to AB, confinement for 45 days, restriction for 30 days, and hard labor without confinement for 7 days.

g. Record of SV: 23 Nov 99 - 22 Jul 01 Barksdale AFB 5 (Intial)
(Discharged from Barksdale AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (5) Mos (22) Das
TAMS: (2) Yrs (3) Mos (6) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 7 Jan 03.
(Change Discharge to Honorable)

Issue 1: I have no issues, I would just like to thank the members of the Board for your time in hearing my review.

ATCH
None.

12MAR03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACG)
BARKSDALE AIR FORCE BASE, LOUISIANA

MEMORANDUM FOR AB [REDACTED]

FROM: 2 CES/CC

SUBJECT: Notification Letter – Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense. The authority for this action is AFI 36-3208, para 5.52.3. If my recommendation is approved, your service may be characterized as under honorable conditions (general).

2. The reasons for this action are as follows:

- a. On 27 Dec 01, you communicated a threat to another individual, as evidenced by an Letter of Reprimand (LOR), (Tab A);
- b. On 7 Nov 01, you made an false official statement, as evidenced by an Result of Trial, (Tab B);
- c. On 29 Oct 01, you without authority leave your place of duty, as evidenced by an Result of Trial, (Tab B);
- d. On 29 Oct 01, you unlawfully assaulted A1C [REDACTED] as evidenced by an Result of Trial, (Tab B);
- e. On 29 Oct 01, you wrongfully communicated a threat to A1C [REDACTED] as evidenced by a Result of Trial, (Tab B) and;
- f. On 28 Oct 01, you willfully disobeyed an direct order, as evidenced by an Result of Trial, (Tab B).

3. Copies of the document(s) referenced above have been attached and will be forwarded to the separation authority in support of this recommendation. 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, Capt [REDACTED] Area Defense Counsel (ADC) for Barksdale AFB, Extension 6-8355, Building 4714 (gym annex building), third floor, has been obtained to assist you. An appointment has been scheduled for

you to consult with the ADC on 16 Jan 02 at 1800 hrs. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your behalf. Any statements you want the separation authority to consider must reach me within three (3) duty days, unless you request and receive an extension for good cause. I will send any statements that you provide to the separation authority.

6. If you fail to consult counsel or fail to submit statements in your behalf, you will waive the right to do so.


7. You have been scheduled for a medical examination. You must report to Flight Medicine with your medical records for the appointment. Your appointment is on _____ at _____ hrs.

*17 Jan 0945
22 Jan 0810
Pick up
RCPs*

8. You have been scheduled for a Pre-separation Counseling briefing. You must report to the Family Support Center, Bldg 4713, at 19 Jan 02 on 0830 for the briefing.

9. Any personal information that you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 35-3208, the AFI governing this case, is available for your use in your unit Orderly Room.

10. Execute the attached acknowledgement and return it to me immediately.


Lt Col, USAF
Commander, 2 CES

Attachments:

1. Acknowledgment/Receipt of Notification of Memorandum
2. Supporting Document (Tab A-B)