

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]		
TYPE		X RECORD REVIEW			
PERSONAL APPEARANCE					
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			
YES	NO	ADDRESS AND OR ORGANIZATION OF COUNSEL			
	X				
MEMBERS SITTING		VOTE OF THE BOARD			
		HON	GEN	UOTHC	OTHER DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
ISSUES A92.35		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD	
				1	ORDER APPOINTING THE BOARD
				2	APPLICATION FOR REVIEW OF DISCHARGE
				3	LETTER OF NOTIFICATION
HEARING DATE 18 Jul 03		CASE NUMBER FD2003-00236		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 [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT				DATE: 18 JUL 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		

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 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. The applicant states that his discharge was based on one incident in what were 35 months of otherwise exemplary service. The DRB agreed that the applicant's discharge was based on a single series of incidents of misconduct; however, the Board found that the seriousness of that misconduct; i.e., adultery and disobeying an order, outweighs the applicant's otherwise satisfactory service. The Board concluded the misconduct was a significant departure from conduct expected of all military members.

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 AB) (HGH AIC)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 15 May 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 Apr 72. Enlmt Age: 19 11/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-87, E-58, G-64, M-55. PAFSC: 3S031 - Personnel Apprentice. DAS: 26 Aug 92.

b. Prior Sv: (1) AFRes 9 Mar 92 - 19 May 92 (2 months 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AMN 20 May 92 for 4 yrs. Svd: 2 Yrs 11 Mo 26 Das, all AMS.

b. Grade Status: AB - 04 May 95 (Article 15, 04 May 95)
AIC - 20 Mar 93

c. Time Lost: None.

d. Art 15's: (1) 04 May 95, Dyess AFB, TX - Article 92. You, having knowledge of a lawful order issued by LtCol [REDACTED] to wit: to disassociate with Mrs. [REDACTED] an order which it was your duty to obey, did, at or near Biloxi, Mississippi, on or about 17 Apr 95, fail to obey the same by wrongfully associating with Mrs. [REDACTED]. Article 107. You did, on or about 27 Apr 95, with intent to deceive, make to 1Lt [REDACTED] an official statement, to wit: Mrs. [REDACTED] did not arrive in Biloxi, Mississippi until 27 Apr 95, which statement was false in that Mrs. [REDACTED] arrived 17 Apr 95, and was then known by you to be so false. Reduction to AB. (No appeal) (No mitigation)

(2) 11 Apr 95, Dyess AFB, TX - Article 134. You, did, on or about 4 Mar 95 through on or about 31 Mar 95, wrongfully have sexual intercourse with [REDACTED] a married woman not your wife. Suspended reduction to Airman, forfeiture of \$100.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

- g. Record of SV: 20 May 92 - 19 Jan 94 Dyess AFB 4 (Initial)
20 Jan 94 - 19 Jan 95 Dyess AFB 4 (Annual)

(Discharged from Dyess AFB)

- h. Awards & Decs: NDSM, AFTR.

- i. Stmt of Sv: TMS: (3) Yrs (2) Mos (7) Das
TAMS: (2) Yrs (11) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 13 May 03.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one occurrence that was made on bad judgement of(sic) my behalf when I was a young adult of 22 years old. Other than this incident I completed 36 months of service with no adverse action at all. I performed Honor Guard duties for Dyess AFB, TX and the surrounding communities.

Issue 2: I please ask the board to consider my request, so that, I may have my discharge upgraded to honorable. This would help my in my (sic) desire for city employment with the City of Biloxi, MS (Fire Department). Thank you for your consideration of this application.

ATCH

None.

19JUN03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH SUPPORT GROUP (ACC)
DYESS AIR FORCE BASE, TEXAS

FD2003-00236

MEMORANDUM FOR AB [REDACTED]

08 MAY 1995

FROM: 7 SPS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Minor Disciplinary Infractions. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.49, dated 14 Oct 94. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (Under Honorable Conditions).

2. My reasons for this action are:

a. You did, on 17 Apr 95, fail to obey a lawful order issued by Lt [REDACTED] to disassociate with Mrs [REDACTED], an order which it was your duty to obey, as evidenced by AF Form 3070 dated 4 May 95.

b. You did, on 27 Apr 95, with intent to deceive, make a false official statement to 1Lt [REDACTED] by saying that Mrs [REDACTED] did not arrive in Biloxi, Mississippi, until 27 Apr 95, which statement was false in that Mrs [REDACTED] arrived 17 Apr 95, and was then known by you to be false, as evidenced by AF Form 3070 dated 4 May 95.

c. You did, on 4 Mar 95 through 31 Mar 95, wrongfully have sexual intercourse with Mrs [REDACTED], a married woman, not you wife, as evidenced by AF Form 3070 dated 11 Apr 95.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or 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.

3. 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 Capt [REDACTED] Area Defense Counsel, on 9 May 95 at 1530 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 11 May 95, 0800 hours, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

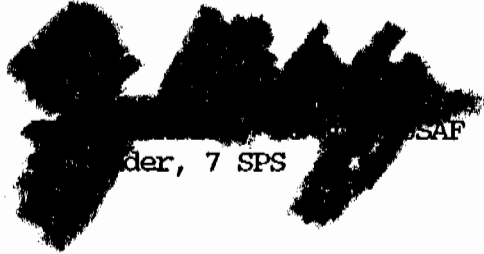
Global Power for America

5. 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.

6. You have been scheduled for a medical examination on 8 Apr 95, at 1400 hours, at the 7th Medical Group Hospital, Physical Exams Section.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFPD 36-32 and AFI 36-3208 is available for your use in the orderly room.

8. Execute the attached acknowledgment and return it to me immediately.



der, 7 SPS
SAF

Attachments:

- 1. Airman's Receipt of Letter of Notification
- 2. AF Form 3070 dated 4 May 95
- 3. SPOI Case #95-04-058 dated 2 May 95
- 4. AF Form 3070 dated 11 Apr 95