

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">NO</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	NO		X	NAME OF COUNSEL AND OR ORGANIZATION
YES	NO				
	X				

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A95.00	INDEX NUMBER A67.90	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 30 JUL 03	CASE NUMBER FD2003-0285		

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]
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INDORSEMENT	DATE: 30 JUL 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

FD03-0285

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant had an Article 15 for sexual harassment involving several women. He also received one Letter of Reprimand for sexual harassment involving several different women. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge.

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 A1C) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 18 Nov 92 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Oct 64. Enlmt Age: 19 2/12. Disch Age: 28 0/12. Educ: HS DIPL. AFQT: N/A. A-79, E-73, G-71, M-54. PAFSC: 67251 - Financial Management Specialist. DAS: 26 Jul 89.

b. Prior Sv: (1) AFRes 4 Jan 84 - 28 Mar 84 (2 months 25 days) (Inactive).

(2) Enlisted as AB 29 Mar 84 for 4 yrs. Svd: 3 yrs 11 months 26 days, all AMS. AMN - 29 Sep 84. A1C-(APR Indicates): 29 Mar 85-28 Mar 86. SrA - 29 Mar 87. Sgt-(APR Indicates): 29 Mar 87-28 Mar 88. APRs: 8,9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as Sgt 28 Mar 88 for 6 yrs. Svd: 4 Yrs 7 Mo 21 Das, all AMS.

b. Grade Status: A1C - 10 Sep 92 (Article 15, 10 Sep 92)

c. Time Lost: None.

d. Art 15's: (1) 10 Sep 92, F.E. Warren AFB, WY - Article 134. You did, between on or about 1 Jun 92, and on or about 29 Jul 92, sexually harass Sgt [REDACTED] by making unwelcome advances and inappropriate comments to her, to wit: hugging her, rubbing her shoulder and saying words to the effect of "You feel good," which was to the prejudice of good order and discipline in the armed forces. You did, between on or about 1 Jul 92, and on or about 29 Jul 92, sexually harass Sgt [REDACTED] by making unwelcome advances to her, to wit: massaging her shoulders which conduct was to the prejudice of good order and discipline in the armed forces. You did, on or about 29 Jul 92, sexually harass [REDACTED] by making unwelcome advances and inappropriate comments to her, to wit: hugging her and pushing the chair you were sitting in up against her and saying words to the effect of "I'd love to have this chair, it's so close to you and you know I love to be close to you," which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces. Reduction to A1C, and a reprimand.

(Appeal/Withdrawn) (No mitigation)

e. Additional: LOR, 1 NOV 89 - Sexual harrassment.
Traffic Ticket, 5 Sep 89 - Speeding.

f. CM: None.

g. Record of SV: 29 Mar 88 - 28 Mar 89 Lowry AFB 9 (Annual)
30 Mar 89 - 25 Feb 90 F.E. Warren AFB 3 (CRO)
26 Feb 90 - 27 Jul 90 F.E. Warren AFB 3 (CRO)
28 Jul 90 - 07 Apr 91 F.E. Warren AFB 4 (CRO)
08 Apr 91 - 31 Jan 92 F.E. Warren AFB 5 (CRO)

(Discharged from F.E. Warren AFB)

h. Awards & Decs: AFCEM, AFGCM, NCOPMER W/1 OLC, NDSM, AFTR, AFLSAR W/1
OLC.

i. Stmt of Sv: TMS: (8) Yrs (10) Mos (14) Das
TAMS: (8) Yrs (7) Mos (21) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Jun 03.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. Four Letters of Recommendation.
2. Job Resume.

11JUL03/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 90TH MISSILE WING (ACC)
FRANCIS E. WARREN AIR FORCE BASE, WYOMING

ATTN OF: 90 CPTS/CC

SUBJECT: Notification Letter - Board Hearing

25 Sep 92

TO: A1C [REDACTED]

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFR 39-10, paragraph 5-47b. 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. You did, between on or about 1 January 1989 and on or about 29 July 1992, at or near F.E. Warren AFB, sexually harass [REDACTED] by making unwelcome advances and inappropriate comments. (Witness Interview Statement, 31 Jul 92)

b. You did, between on or about 1 November 1990 and on or about 29 July 1992, at or near F.E. Warren AFB, sexually harass [REDACTED] by making unwelcome advances and inappropriate comments. (Witness Statement, 31 Jul 92; AF Form 3070, 10 Sep 92)

c. You did, between on or about 26 March 1990 and on or about 30 June 1992, at or near F.E. Warren AFB, sexually harass Sgt [REDACTED] by making unwelcome advances and inappropriate comments. (Statement, 30 Jul 92; AF Form 3070, 10 Sep 92)

d. You did, between on or about 1 June 1992 and on or about 29 July 1992, at or near F.E. Warren AFB, sexually harass Sgt [REDACTED] by making unwelcome advances and inappropriate comments. (Testimony, 31 Jul 92; AF Form 3070)

e. You did, between on or about 1 August 1991 and on or about 29 July 1992, at or near F.E. Warren AFB, sexually harass SrA [REDACTED] by making unwelcome advances and inappropriate comments. (Testimony, 31 Jul 92)

f. You did, between on or about 11 October 1991 and on or about 29 July 1992, at or near F.E. Warren AFB, sexually harass A1C [REDACTED] by making unwelcome advances and inappropriate comments. (Testimony, 31 Jul 92)

g. You did, between on or about 1 July 1992 and on or about 29 July 1992, at or near F.E. Warren AFB, sexually harass [REDACTED] by making

unwelcome advances and inappropriate comments. (Witness Interview Statement, 31 Jul 92; AF Form 3070)

h. Between on or about 26 July 1989 and on or about 27 October 1989, investigation disclosed that you sexually harrassed several enlisted women. (LOR w/supporting documents)

3. This action could result in your separation with an honorable, general or under other than honorable conditions discharge. I am recommending an under other than honorable conditions 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.

4. You have the right to:

- a. Consult legal counsel.
- 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 legal counsel before making a decision to waive any of your rights.

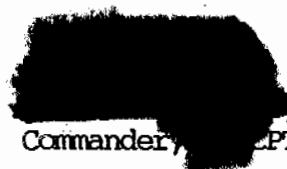
5. You have been scheduled for medical examination. You must report to the F. E. Warren Hospital physical exams section at 0700 on 27 Sep 92.

6. Military legal counsel, Capt [redacted] at the ADC office, bldg 292, ext 3248 has been obtained to assist you. An appointment has been scheduled for you to consult her on 28 Sep 92 at 0900. However, you may have another attorney appointed as your counsel if the attorney meets the criteria of being in the active military service and is reasonably available IAW AFR 111-1. 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 statements must be signed in the presence of your counsel, who will also sign. 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 the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in your orderly room.

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



Major, USAF

Commander, EPTS

3 Atch

1. Supporting Documents for the Reason for the Discharge
 - a. Witness Interview Statement, 31 Jul 92
 - b. Witness Statement, 31 Jul 92
 - c. AF Form 3070 w/atck, 10 Sep 92
 - d. Statement, 30 Jul 92
 - e. Testimony, 31 Jul 92
 - f. Testimony, 31 Jul 92
 - g. Testimony 31 Jul 92
 - h. Witness Interview Statement, 31 Jul 92
 - i. LOR w/atck, 1 Nov 89
2. Documents Containing Derogatory Information Which are not Listed in the Notification Ltr
 - a. Nonrecommendation for Promotion Ltr, 10 Sep 92
 - b. Commander-driected Mental Health Evaluation, 1 Sep 92
 - c. AF Good Conduct Medal Denial Ltr, 2 Apr 90
 - Notification Ltr
 - d. DD Form 1408, 5 Sep 89
3. Receipt of Notification Ltr