		DISCHARGE REVIEW	BOARD I	HEARI	NG RECO	RD	_		
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)			GRADE			AFS	AFSN/SSAN		
TYPE UOTH PERSONAL APPEARANCE		RANCE	X	X RECORD REVIEW					
COUNSEL NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL						
YES No									
A					VOT	E OF THE BO	DARD		
MEMBER SITTING				HON	GEN	UOTHC	OTHER	DENY	
					X		_		
									
					X				
					v				
					X				
								X	
					X				
					Ī	DMITTED TO	THE BOAT) DD	
A95.00	INDEX NUMBER	A59.00	1	EXHIBITS SUBMITTED TO THE BOARD 1 ORDER APPOINTING THE BOARD					
			2	APPLICATION FOR REVIEW OF DISCHARGE					
			3						
			4 BRIEF OF PERSONNEL FILE						
			COUNSEL'S RELEASE TO THE BOARD ADDITIONAL EXHIBITS SUBMITTED AT TIME OF						
					ONAL APPEA				
				TAPE	RECORDING	OF PERSONA	AL APPERAN	CE	
HEARING DATE	CASE NUMBER								
24 Nov 2003	FD-2003-0039								
APPLICANT'S ISSUE AND	THE BOARD'S DECISIONAL RATIONAL	ARE DISCUSSED ON THE ATTACHED	AIR FORCE DISC	CHARGE R	EVIEW BOARD D	ECISIONAL RATIO	ONALE	<u> </u>	
Case heard at Wa	shington, D.C.								
			_						
	of the decision of the Boa	ard, the right to a person	nal appeara	ance w	ith/without	counsel, a	nd the righ	t to	
submit an applica	ation to the AFBCMR								
				,					
SIGNATURE OF TECOPO		Si							
	INDO	RSEMENT			5	DATE: 11/25/2	2003		
TO: SAF/MRBR		FROM:	SECRETAR	Y OF THE		SONNEL COUNC	nl		
550 C STREET WEST, SUITE 40			AIR FORCE 1535 COMM	DISCHAI	RGE REVIEW BO. EE WING, 3RD FI	ARD			
RANDOLPH .	AFB, TX 78150-4742		ANDREWS	AFB, MD 2	0762-7002				
арно борм с	0-2077, JAN 00	(EF-V2)			Previo	us edition w	ill be used		
AFHQ FORM 0-2077, JAN 00		(~~, · <i>~</i> -)		Previous edition will be used					

CASE NUMBER

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2003-00393

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 available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of Discharge is upgraded to General.

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 finds the applicant's discharge with an Under Other Than Honorable Conditions (UOTHC) discharge inequitable and directs that it be upgraded to General.

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 received a Letter of Reprimand for a civil arrest for unlawfully soliciting an undercover police officer to perform oral sodomy for compensation. The Board concluded the disciplinary infractions were a significant departure from the 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. However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an General discharge under the provisions of Title 10, USC 1553.

Attachment: Examiner's Brief

DEPARTMENT OF THE AIR FORCE AIR FORCE DISCHARGE REVIEW BOARD ANDREWS AFB, MD

(Former SRA) (HGH SRA)

1. MATTER UNDER REVIEW: Appl rec'd a UOTH Disch fr USAF 11 Feb 94 UP AFR 39-10, para 5-35(a) (Homosexuality). Appeals for Honorable Discharge.

2. BACKGROUND:

- a. DOB: 8 Dec 60. Enlmt Age: 26 8/12. Disch Age: 33 2/12. Educ: HS DIPL. AFQT: N/A. A-67, E-58, G-53, M-47. PAFSC: 3A051 Information Management Journeyman. DAS: 3 May 88.
 - b. Prior Sv: (1) AFRes 14 Aug 87 16 Feb 88 (6 months 3 days) (Inactive).

3. SERVICE UNDER REVIEW:

- a. Enlisted as AB 17 Feb 88 for 6 yrs. Svd: 5 Yrs 11 Mo 26 Das, all AMS.
- c. Time Lost: None.
- d. Art 15's: None.
- e. Additional: LOR, 01 MAR 93 Civil arrest for unlawfully soliciting an undercover police officer to perform oral sodomy for compensation (document missing from file)
- f. CM: None.
- g. Record of SV: 17 Feb 88 16 Feb 89 Nellis AFB 9 (Annual)
 17 Feb 89 16 Oct 89 Nellis AFB 4 (Initial)
 17 Oct 89 16 Oct 90 Nellis AFB 3 (Annual)
 17 Oct 90 30 Sep 91 Nellis AFB 3 (CRO)
 01 Oct 91 31 Mar 92 Tonopah Test Range 3 (Cmdr Dir)
 01 Apr 92 31 Mar 93 Nellis AFB 2 (Annual) REF

(Discharged from Nellis AFB)

- h. Awards & Decs: AFGCM, NCOPMER, NDSM, AFTR, AFLSAR, AFOUA W/1 OLC.
- i. Stmt of Sv: TMS: (6) Yrs (5) Mos (29) Das TAMS: (5) Yrs (11) Mos (26) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Aug 03.

(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

None.

12SEP03/ia



DEPARTMENT OF THE AIR FORCE

554TH SUPPLY SQUADRON (ACC)
NELLIS AIR FORCE BASE, NEVADA

FROM: 554 SUPS/CC

MAR 1 5 1993

SUBJ: Notification Letter - Board Hearing

TO: STATE OF THE S

- 1. I am recommending your discharge from the United States Air Force for homosexuality according to AFR 39-10, under the provisions of paragraph 5-35a. Copies of the documents to be forwarded to the separations authority to support this recommendation are attached.
- 2. My reason for this action is that on or about 27 Jan 93, you unlawfully solicited an undercover police officer to perform oral sodomy for compensation for which you were arrested by civilian authorities and received a letter of reprimand dated 1 Mar 93.
- 3. This action could result in your separation with an under other than honorable conditions (UOTHC) discharge. I am recommending that you receive a UOTHC 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 had a medical examination at the 554th Medical Group, Physical Exam Section on 24 Feb 93.
- 6. Military legal counsel, Bldg 43, duty phone 24034, has been obtained to assist you. An appointment has been scheduled for you to consult with counsel at 1030 hours on Monday, 15 Mar 93. 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 according to AFR lil-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 seven (7) workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of 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 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 2. A copy of AFR 39-10 is available for your use in the Unit Orderly Room.
- 9. Execute the attached acknowledgment and return it to me immediately.



Commander

- 2 Atchs
- 1. LOR, 1 Mar 93
- 2. Las Vegas Metro Police Report, undated