

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE [REDACTED]	AFSN/SSAN [REDACTED]			
TYPE UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]			X			
[REDACTED]			X			
[REDACTED]			X			
[REDACTED]					X	
[REDACTED]			X			
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A95.00	A59.00	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 DATE	CASE NUMBER					
24 Nov 2003	FD-2003-00393					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
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 OF BOARD MEMBER				
[REDACTED]		[REDACTED]				
ENDORSEMENT				DATE: 11/25/2003		
TO:		FROM:				
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

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.

b. Grade Status: SRA - 31 Jul 90
A1C - (APR Indicates): 17 Feb 88-16 Feb 89

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.

FD2003-00393

(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH


None.

12SEP03/ia

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