

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE SGT	AFSN/SSAN ██████████
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TYPE GEN	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
[Dashed Box]	X				
					X
					X
	X				
	X				

ISSUES A94.02 A95.00 A92.02 A94.22	INDEX NUMBER A59.00	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 DATE 16 Mar 2004	CASE NUMBER FD-2003-00437
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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.

[Dashed Box]

INDORSEMENT		DATE: 3/31/2004
TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00437

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's discharge inequitable.

ISSUE:

Applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received a general discharge for homosexuality. Member states his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. However, based on today's standards an investigation would not have been held. The Board concluded the discharge was too harsh and should be upgraded to honorable.

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 Honorable discharge. The applicant's characterization will remain the same.

Attachment:

Examiner's Brief

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

(Former SGT) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 May 91 UP AFR 39-10, para 5-35 (Homosexuality). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 13 Dec 64. Enlmt Age: 21 4/12. Disch Age: 26 5/12. Educ: HS DIPL. AFQT: N/A. A-65, E-60, G-70, M-60. PAFSC: 60350 - Vehicle Operator/Dispatcher. DAS: 25 Jan 88.

b. Prior Sv: (1) AFRes 24 Apr 86 - 4 Jun 86 (1 Month 12 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 5 Jun 86 for 6 yrs. Svd: 4 Yrs 11 Mos 12 Das, all AMS.

b. Grade Status: SGT - 1 Nov 89
SRA - 19 Nov 88
A1C - (APR Indicates): 5 Jun 86 - 4 Jun 87
AMN - Unknown

c. Time Lost: None

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: 05 Jun 86 - 04 Jun 87 Andersen AFB 8 (Annual)
05 Jun 87 - 16 Dec 87 Andersen AFB 9 (CRO)
17 Dec 87 - 17 Oct 88 Grand Forks AFB 9 (CRO)
18 Oct 88 - 17 Oct 89 Grand Forks AFB 4 (Annual)
18 Oct 89 - 20 Oct 90 Grand Forks AFB 4 (Annual)

(Discharged from Grand Forks AFB)

h. Awards & Decs: AFGCM, NDSM, AFOSTR, AFLSAR, NCOPEMGR, AFTR.

i. Stmt of Sv: TMS: (5) Yrs (0) Mos (23) Das
TAMS: (4) Yrs (11) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Sep 03.
(Change Discharge to Honorable)

Issues: Change discharge to Honorable from General under honorable conditions. Letters of conduct in military records. If discharged now under same grounds would receive Honorable discharge. Thank you in advance for your time spent regarding this matter.

ATCH

None.

20 Oct 03/cr



DEPARTMENT OF THE AIR FORCE *FD2003-00437*
HEADQUARTERS 42D AIR DIVISION (SAC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA 58205-5000

REPLY TO: 842 TRANS/CC
ATTN OF:

MAY 08 1991

SUBJECT: Notification Letter - Board Hearing

TO: Sgt [REDACTED]

1. I am recommending your discharge from the United States Air Force for homosexuality, according to AFR 39-10, under provisions of paragraph 5-35. 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. Your engaging in homosexual acts on diverse occasions between on or about 23 Jun 89 to on or about 18 Jan 91 at or near Grand Forks, ND, as evidenced by statement of [REDACTED] dated 7 Feb 91, statement of [REDACTED] dated 7 Feb 91, statement of [REDACTED] dated 1 Mar 91, statement of [REDACTED] dated 1 Mar 91, statement of [REDACTED] dated 18 Apr 91, and a copy of letter from [REDACTED] dated 16 Feb 91.

b. Your statement to an AFOSI Special Agent on or about 18 Apr 91 that you are a homosexual, as evidenced by statement of [REDACTED] dated 18 Apr 91 and a copy of letter from [REDACTED] dated 16 Feb 91.

3. This action could result in your separation with a discharge characterized as honorable or general. I am recommending that you receive a general 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 a medical examination. You must report to 842 STRAT HOSP at 0700 hrs on 10 MAY 1991.

6. Military legal counsel, Capt [REDACTED] has been obtained to assist you. An appointment has been scheduled for you to consult her on 8 May 91 at 1430 hours in Bldg 230. 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 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 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 6. A copy of AFR 39-10 is available for your use in your Squadron Orderly Room.

10. [REDACTED] Attached acknowledgment and return it to me immediately.

[REDACTED]
Lt Col, USAF

CC

4 Atch

1. Supporting Documents

- a. Statement of [REDACTED] dated 7 Feb 91 (2pp)
- b. Statement of [REDACTED] dated 7 Feb 91
- c. Statement of [REDACTED] dated 1 Mar 91 (2pp)
- d. Statement of [REDACTED] dated 1 Mar 91 (2pp)
- e. Statement of [REDACTED] dated 18 Apr 91 (2pp)
- f. Copy of Letter from [REDACTED] dated 16 Feb 91 (2pp)

2. Airman's Acknowledgment

3. APR's

4. RIP