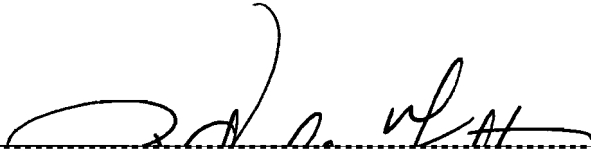


**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████		<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ██████████			
<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>			
<b>ISSUES</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>				
<b>YES</b>	<b>No</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
	<b>X</b>					
<b>MEMBER SITTING</b>		<b>VOLE OF THE BOARD</b>				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
<b>ISSUES</b> A93.19 A92.21 A01.43 A01.23		<b>INDEX NUMBER</b> A67.10		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
				<b>1</b>	ORDER APPOINTING THE BOARD	
				<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
				<b>3</b>	LETTER OF NOTIFICATION	
				<b>4</b>	BRIEF OF PERSONNEL FILE	
					COUNSEL'S RELEASE TO THE BOARD	
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
					TAPE RECORDING OF PERSONAL APPEARANCE	
<b>HEARING DATE</b> 06 Jan 2004		<b>CASE NUMBER</b> FD-2003-00462				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>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.</p> <div style="text-align: center; margin-top: 20px;">  </div>						
INDUSTRIAL						
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			<b>FROM:</b> 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

FD2003-00462

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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 denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

Issue 1. Applicant was discharged for minor disciplinary infractions. He had two Articles 15; his misconduct included sexual intercourse with a married woman not his wife, and assaulting a civilian male. Applicant now claims that the woman raped him when he was intoxicated and couldn't comprehend the event. He claims he attempted to tell his squadron section commander, but found it embarrassing, and was laughed at because people do not typically believe women can commit rape against men. Applicant provided no supporting documentation of these claims, thus the Board found his assertions without merit and could not substantiate an inequity or impropriety with regard to this issue.

Issue 2. Applicant claims the civilian man he assaulted threw the first punch and applicant was defending himself. Applicant again notes that he was intoxicated at the time of this incident. Applicant provided no supporting documentation of these claims, thus the Board found these assertions without merit and could not substantiate an inequity or impropriety with regard to this issue.

Issue 3. Applicant notes he was not allowed to finish the alcohol rehabilitation program he was enrolled in before he was administratively separated, and surmises had he been able to finish the program he may have continued successfully in the service. Applicant provided no supporting documentation of these claims, thus the Board found these assertions without merit and could not substantiate an inequity or impropriety with regard to this issue.

Issue 4. Applicant cites his post-service accomplishments as justification for an upgrade. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the records review. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Because member's discharge file was missing from the record and unavailable for review, the Board was unable to ascertain if there was other misconduct on member's part, or additional bases for the discharge. The Board also could not determine if member consulted counsel or submitted statements on his own behalf at the time of the discharge. Lacking evidence from the applicant to the contrary, the Board relies on the presumption of regularity and finds the discharge proper and without basis for an upgrade. No inequity or impropriety could be found in this discharge in the course of the records review.

**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

(Former A1C) (HGH SGT)

MISSING PERSONNEL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 20 Sep 91 UP AFR 39-10, para 5-46 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 30 Mar 67. Enlmt Age: 18 0/12. Disch Age: 24 5/12. Educ: HS DIPL. AFQT: N/A. A-31, E-69, G-72, M-93. PAFSC: 55250 - Structural Specialist. DAS: Unknown.

b. Prior Sv: (1) AFRes 18 Apr 85 - 31 Oct 85 (6 months 14 days) (Inactive).

(2) Enlisted as AB 1 Nov 85 for 4 yrs. Svd: 3 yrs 11 months 30 days, all AMS. AMN - SGT Unknown. APRs/EPRs unavailable.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as Sgt 1 Nov 89 for 4 yrs. Svd: 1 Yrs 10 Mo 19 Das, all AMS.

b. Grade Status: A1C - 26 Aug 91 (Article 15, 26 Aug 91)

c. Time Lost: None.

d. Art 15's: (1) 26 Aug 91, Grand Forks AFB, ND - Article 128. You did, on U.S. Highway 2 near Emerado, North Dakota, on or about 26 May 91, unlawfully strike [redacted] in the face with your fist. Reduction to A1C, and 45 days extra duty. (No appeal) (No mitigation)

(2) 5 Sep 90, Grand Forks AFB, ND - Article 134. You, a married man, did, between 1 May 90 to 31 May 90, wrongfully have sexual intercourse with [redacted] a married woman not your wife. Suspended reduction to AB, 45 days extra duty. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: Unknown.

(Discharged from Grand Forks AFB)

h. Awards & Decs: AFAM, AFOUA, AFGCM, NDSM, AFOSSTR, AFLSAR, AFPMER,

SAMR, AFTR.

i. Stmt of Sv: TMS: (6) Yrs (5) Mos (3) Das  
TAMS: (5) Yrs (10) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Sep 03.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BREIF.

**ATCH**

1. Applicant's Issues.
2. Congressional Correspondence.
3. Air Force Achievement Medal.
4. Certificate of Appreciation.
5. Letters of Appreciation (3).
6. Character References.
7. College Transcript.
8. Certificates of Training.
9. Performance Appraisal.
10. Certificates of Merit and Appreciation.

31OCT03/ia

Attachment 2: Discharge Upgrade for [REDACTED]

September 17, 2003

Discharge Review Board  
SAF/MIBR  
550-C Street, Suite 40  
Randolph AFB, TX 78150-4742

Dear Discharge Review Board,

SUBJECT: DISCHARGE UPGRADE REQUEST ISSUES

I am submitting this package in request for military discharge upgrade form General (under honorable conditions) to Honorable. There are four main issues supporting an upgrade to honorable.

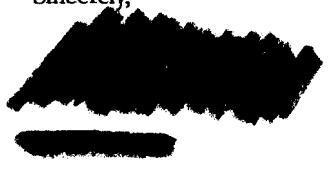
1. I received an article 15 for wrongfully having sexual intercourse with [REDACTED] a married woman. Adultery is clearly wrong. However, at the time of the incident, I was severely under the influence of alcohol to the point I was unable to comprehend what was happening. Since that time, I have received a degree in education and have credits in chemical dependency counseling and psychology. I now understand that the actions pursued by [REDACTED] that evening to intentionally get her husband and myself intoxicated and pursue sexual advances against my will would be considered a crime. She waited until her husband passed out and knowing I was intoxicated to the point of not being able to defend myself; she pursued sexual advances against my will. When questioned of the incident, I tried to explain the incident occurred against my will, but my first sergeant and section commander did not believe me. As it was embarrassing to admit a female had raped me. Most people at that time would not believe a woman could rape a man and this stereotype continues today. As I was not the only person this happened to, I believe that the actions taken should have been rape charges against [REDACTED]. However, I was told the military could not pursue disciplinary action against a dependent.
2. The second article 15 relates to an incident of me unlawfully punching [REDACTED] the face. Again, I was under the influence of alcohol. However, my reasoning for punching [REDACTED] was in self-defense. The local sheriff did not feel the incident warranted any lawful action against me because [REDACTED] was also intoxicated and attempted to rape a female before the incident occurred. In addition, [REDACTED] also threw the first punch and I was merely defending myself. The sheriff was required to notify the military of any incidents involving military personnel. Therefore, once my squadron found out about the incident, my first sergeant and section commander pursued disciplinary action. [REDACTED] was a civilian and no disciplinary action was pursued against him.
3. I was asked to enroll in the alcohol recovery program at Grand Forks AFB. I voluntarily enrolled in the program, but was not permitted to finish the program and discharged before completion. My council and myself were denied requests for copies of documents and files from my enrollment in the alcohol program. My council was denied viewing of the files, but I was able to view them for five minutes. I remember them as being quite extensive. Now that I am formally educated, I do not believe there was proper counseling and documentation. The actions taken by section command lead me to believe the intentions of my first sergeant and section commander were to have me fail the alcohol program and see me discharged. If I had been given the opportunity to complete the program under proper guidance, it is possible I may still be an active contributing member of the Air Force. In addition, Alcohol was extensively promoted on military installations. It was not uncommon to see 10-15 kegs of beer at a squadron event or picnic. Considering my education level now, I find it hard to believe a unit could have an effective alcohol recovery program by having vast quantities of alcohol at unit events. One may argue each person should have self-control over alcohol

consumption at these events and maybe I should have known better to participate in such activities. However, one must consider the average age of the active members of the unit and the stress involved in supporting missions. The military trains soldiers to act as a close team and this is what the team did to relieve stress. There should have been better management of social activities and programs within the unit. Alcohol should not have been extensively promoted and supplied in quantities at events.

4. Since the time of my general discharge, I have been a model citizen and still actively support my country. This general discharge is the only blemish on my record. I do not feel it was warranted in the first place and my record since then justifies I am not a bad person. This blemish on my record has prevented me from gaining higher-level employment. The attached documentation of achievements proves I am a model citizen, still actively supporting public service including volunteer activities. I have not been in any trouble since being discharged from the military and have achieved a Bachelor of Science Degree in Education. In addition, I have an exceptional record in the civil service and volunteer as commander for the US Coast Guard Auxiliary with approximately 250 documented volunteer hours and approximately 300 non-documented volunteer hours since January 2003.

Unfortunately, I have very few records of the time I was discharged, because I was not permitted to copy any documents. However, I do have some character letters from senior ranking NCO's dated just before being discharged. Please review the attached documentation of accomplishments, which clearly proves my active role as a productive and model citizen and rid my record of the once in a lifetime blemish that hinders advancement opportunities to support my country.

Sincerely,

A large, irregular black redaction mark covers the signature area, obscuring the name and any handwritten notes or dates.