

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>	GRADE SRA	AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>
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TYPE UOTH	X	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES No			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A94.53 A95.00	INDEX NUMBER	A67.30	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	CASE NUMBER	
20 Oct 2004	FD-2003-00497	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Andrews AFB, MD, via video teleconference from Travis AFB, CA.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

INDORSEMENT **DATE: 10/20/2004**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00497

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code.

The applicant appeared before the Discharge Review Board (DRB) at Andrews AFB, MD, via video teleconference from Travis AFB, CA.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge and change of reenlistment code are denied.

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 was unable to identify any that would justify a change 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

MISSING MEDICAL RECORDS
(Former SRA) (HGH TSGT)

1. MATTER UNDER REVIEW: Appl rec'd a UOTHC Disch fr USAF 5 Jun 00 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 27 Oct 64. Enlmt Age: 19 5/12. Disch Age: 35 7/12. Educ: HS DIPL. AFQT: N/A. A-67, E-62, G-58, M-68. PAFSC: 4R051 - Radiologic Journeyman. DAS: 30 Jun 94.

b. Prior Sv: (1) AFRes 14 Apr 84 - 1 Jan 85 (8 Months 19 Days) (Inactive).

(2) Enld as A1C 2 Jan 85 for 4 yrs. Ext: 30 Dec 87 for 13 months. Reenld as SRA 12 Dec 88 for 4 yrs. Ext: 22 Jul 92 for 28 months. Reenld as SSgt 1 Oct 92 for 4 yrs. Ext: 4 Jan 95 for 32 months. Svd: 13 Yrs 3 Mos 19 Das, all AMS. SRA - (EPR Indicates): 2 Jan 87 - 1 Jan 88. Sgt - (EPR Indicates): 2 Jan 88 - 1 Jan 89. SSgt - 1 May 91. APRs: 9,9,9,9,9. EPRs: 5,5,5,4,5,5,5,5.

3. SERVICE UNDER REVIEW:

a. Reenld as SSgt 21 Apr 98 for 4 yrs. Svd: 2 Yrs 1 Mo 16 Das, all AMS.

b. Grade Status: SRA - 27 Jul 99 (GCMO No 46, 20 Sep 99)
TSGT - 1 Jan 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: Unknown.

f. CM: General Court Martial Order No 46, 20 September 1999.

CHARGE 1: Article 121. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Phoenix AZ, on or about 12 Feb 96, steal \$12,209.36, the property of State Farm Fire and Casualty Company.

Specification 2: Did, at or near Phoenix AZ, between on or about 30 Jun 94 to on or about 24 Feb 99, steal \$6,020.58, military property of the United States.

Specification 3: Did, at or near Phoenix AZ, between on or about 1 Feb 96 and on or about 15 Jun 98, steal two office chairs and one box containing twelve picture frames, military property, of a value of more than \$100.00, the property of the United States.

Specification 4: Did, at or near Phoenix AZ, on or about 30 Jun 96, steal four lawn chairs, of a total value of more than \$100.00, the property of Northern Greens Apartment.

CHARGE 11: Article 134. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Phoenix AZ, between on or about 15 Jun 94 to on or about 24 Nov 98, wrongfully have sexual intercourse with SSgt [REDACTED], a married woman, not his wife. Plea: Guilty, except for the words, "15 June 1994 to on or about 24 November 1998." substituting therefore the words "15 August 1995 to 24 November 1997." Sentence adjudged by officer members on 13 Jul 99. Three months hard labor without confinement, forfeiture of \$250 pay per month for 24 months, and reduction to senior airman.

g. Record of SV: 05 Sep 97 - 12 Jun 98 Luke AFB 5 (CRO)
13 Jun 98 - 30 Apr 99 Luke AFB 5 (CRO)

(Discharged from Luke AFB)

h. Awards & Decs: AFCEM W/1 DEV, AFLSA W/2 DEV, AFTR, NDSM, SAEMR, NCOPMER W/1 DEV, AFOUA W/3 DEV, AFGCM W/4 DEV.

i. Stmt of Sv: TMS: (16) Yrs (1) Mos (23) Das
TAMS: (15) Yrs (5) Mos (4) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Oct 03.
(Change Discharge to Honorable)

Issue 1: I have been working with DAV since my discharge on a request for an upgrade. Today, I contacted the office when a different representative (sic) stated that I could not request an upgrade through them, but needed to go through "the branch of service" for a request. I have been waiting for three years and now I am asking for the board to review my military records and grant my request for an upgrade. Thank you.

ATCH

1. VA Letter, 15 Dec 00.

5 Jan 2004/cr

DEPARTMENT OF THE AIR FORCE
56th Medical Support Squadron (AETC)
Luke Air Force Base Arizona

01 NOV 1999

MEMORANDUM FOR SRA [REDACTED]

FROM: CC

SUBJECT: Notification Memorandum - Board Hearing

1. I am recommending your discharge from the United States Air Force for Commission of Serious Offenses. The authority for this action is AFPD 36-32 and AFI 36-3208, Section H, paragraph 5.52.3. This action could result in your separation with an under other than honorable (UOTHC) service characterization. I am recommending your service be characterized as Under Other Than Honorable Conditions (UOTHC).

2. My reasons for this action are:

a. On or about 30 Jun 94 to on or about 24 Feb 99, you stole military property valued at \$6,020.58. A Report of Result of Trial, dated 13 Jul 99 evidences this.

b. On or about 15 Aug 95 to on or about 24 Nov 97, you wrongfully had sexual intercourse with SSgt [REDACTED] a married woman, not your wife. A Report of Result of Trial, dated 13 Jul 99 evidences this.

c. On or about 1 Feb 96 and or about 15 Jun 98, you stole two office chairs and one box containing twelve picture frames, military property, valued at more than \$100.00. A Report of Result of Trial, dated 13 Jul 99 evidences this.

d. On or about 12 Feb 96, you stole \$12,209.63 the property of State Farm Casualty Company. A Report of Result of Trial, dated 13 Jul 99 evidences this.

e. On or about 30 Jun 96, you stole four lawn chairs, of a total value of more than \$100.00, the property of Northern Greens Apartments. A Report of Result of Trial, dated 13 Jul 99.

3. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached. 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 and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to:
- Consult legal counsel.
 - Present your case to an administrative discharge board.
 - Be represented by legal counsel at a board hearing.
 - Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
 - Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
5. You must retrieve your medical records from the 56th Medical Group Hospital Outpatient records and immediately report to Physical Exams, Building 810, with your medical records and your copy of this AFI 36-3208 discharge package for medical review and/or examination.
6. I have made an appointment for you to consult the Area Defense Counsel, Bldg 1150, Suite 3015, Extension 6701 on ~~1000~~ 1000 at 1000 hours. 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 by AFI 51-201. 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 after consultation with 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 a board hearing.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use through your defense counsel.

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

[REDACTED]
[REDACTED] Lt Col, USAF

Attachments:

1. Report of Result of Trial, dated 13 Jul 99
2. Action of the Convening Authority, dated 20 Sep 99