

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE AB	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2">COUNSEL</td> <td rowspan="3" style="width:50%;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td rowspan="3" style="width:50%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="width:10%;">YES</td> <td style="width:10%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	No		X	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL							
YES	No									
	X									

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

ISSUES 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 12 May 2004	CASE NUMBER FD-2004-00051	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 PRESIDENT <i>[Signature]</i>
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INDORSEMENT

DATE: 5/12/2004

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-2004-00051

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 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.

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 General Discharge for Misconduct, specifically, Commission of a Serious offense. 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.

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

[REDACTED]
[REDACTED]
(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Andersen AFB, Guam on 14 Aug 98 UP AFI 36-3208, para 5.50.2 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 Apr 70. Enlmt Age: 22 1/12. Disch Age: 28 3/12. Educ: HS DIPL. AFQT: N/A. A-87, E-68, G-59, M-54. PAFSC: 4T051 - Medical Laboratory Journeyman. DAS: 3 Mar 97.

b. Prior Sv: (1) AFRes 15 Jun 92 - 19 Oct 92 (4 months 5 days) (Inactive).

(2) Enlisted as AB 20 Oct 92 for 4 yrs. Extended 26 Oct 93 for 5 months. Svd: 3 yrs 7 months 17 days, all AMS. AMN - 20 Apr 93. A1C - 20 Feb 94. SrA - 20 Oct 95. EPRs: 4,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 7 Jun 96 for 4 yrs. Svd: 2 Yrs 2 Mo 7 Das, of which AMS is 2 yrs 0 months 10 days (excludes 1 month 27 days lost time).

b. Grade Status: AB - 10 Jul 98 (SPCMO No.6, 8 Aug 98)

c. Time Lost: 17 May 98 to 20 May 98 & 26 Jun 98 to 11 Aug 98 (1 month 27 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.6 - 8 Aug 98

CHARGE I: Article 128. Plea: Not Guilty. Finding: Guilty.

Specification 1: Did, at or near Anderson AFB, Guam, on or about 4 Apr 98, unlawfully strike [REDACTED] in the face with his hand. Plea: Not Guilty. Finding: Guilty.

Specification 2: Did, at or near Tamuning, Guam, on or about 9 May 98, unlawfully kick [REDACTED] in the left thigh area with his foot and unlawfully grab [REDACTED] arm with his hand. Plea: Not Guilty. Finding: Guilty.

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

Specification: Did, at or near Tamuning, Guam, on or about 17 May 98, unlawfully carry on or about his person a concealed weapon, to wit: a Glock 9mm handgun. Plea: Guilty. Finding: Guilty. Sentence adjudged on 26 Jun 98: Reduction to Airman Basic, 101 days confinement, and forfeiture of \$300.00 pay per month for two months.

g. Record of SV: 24 Jun 95 - 23 Jun 96 Elmendorf AFB 5 (Annual)
 24 Jun 96 - 02 Jan 97 Elmendorf AFB 3 (CRO)
 03 Jan 97 - 02 Jan 98 Anderson AFB 5 (Annual)

h. Awards & Decs: JMUA, AFOUA W/1 OLC, AFGCM, NDSM, HSM W/1 BS, AFOSSTR, AFOSLTR, AFLSAR, NCOPMER, AFTR.

i. Stmt of Sv: TMS: (6) Yrs (0) Mos (4) Das
 TAMS: (5) Yrs (7) Mos (29) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 6 Feb 04.
 (Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
 None.

12MAR04/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD 2004-00051

MEMORANDUM FOR AB [REDACTED]

04 AUG 1998

FROM: 36 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense, specifically, Other Serious Offenses. The authority for this action AFPD 36-32 and AFI 36-3208, Chapter 5, section H, paragraph 5.52.3. If my recommendation is approved, your service will be characterized as either Honorable or General (Under Honorable Conditions). I am recommending your separation be characterized as a General (Under Honorable Conditions).

2. My reasons for this action are:

--- a. On 26 June 1998, you were convicted by a special court-martial of two specifications under Article 128 of the UCMJ, for unlawfully striking [REDACTED] in the face with your hand, on or about 4 April 1998, and for unlawfully kicking [REDACTED] in the left thigh area with your foot and unlawfully grabbing her left arm with your hand, on or about 9 May 1998.

b. Furthermore, you were convicted of one specification under Article 134 of the UCMJ, for unlawfully carrying a concealed weapon, a Glock 9mm handgun, on or about 17 May 1998.

c. The adjudged sentence consisted of reduction to the grade of Airman Basic, forfeiture of \$300.00 pay per month for six (6) months, four (4) months confinement, hard labor without confinement for three (3) months, restriction to base for a period of two (2) months.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial (SPCM) jurisdiction or higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

FD 2004-00051

4. You have the right to counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain [REDACTED] the Area Defense Counsel, **VIA TELEPHONE** at 366-2281, at 1400 hours on Tuesday, 4 August, 1998. You should call Captain [REDACTED] at this time. You may consult civilian counsel at your own expense.
5. You are scheduled for a **medical examination on Friday, 7 August 1998 at 0800 hours** at the 36th Medical Operations Squadron, Physical Exams Section.
6. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by **7 August 1998, no later than 1630 hours**, unless you request and receive an extension. I will send them to the separation authority.
7. If you fail to consult or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974 as explained in AFI 36-3208 and is available for your use in the Unit Orderly Room.
9. Execute the acknowledgment and return it to me immediately.

[REDACTED]
[REDACTED], Lt Col, USAF
Commander

Attachment:
AF Form 1359