

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE SRA	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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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 A94.06	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 11 May 2004	CASE NUMBER FD-2004-00062	
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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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

Signature of Board President

INDORSEMENT		DATE: 5/11/2004
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

FD-2004-00062

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

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 approved. Change of reason and authority for discharge is denied.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received a General Discharge due to a civilian conviction for assault. The Board noted that the charges were dated 20 Mar 97 and due to applicants oversees deployments and assignments, the hearing was not held until 13 Mar 00. The applicant had no other derogatory information in his file.

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 reason for the discharge will not be changed.

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 GEN Disch fr Dyess AFB, TX on 20 Apr 00 UP AFI 36-3208, para 5.51 (Civilian Conviction). Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 9 Aug 74. Enlmt Age: 20 3/12. Disch Age: 25 8/12. Educ: HS DIPL. AFQT: N/A. A-63, E-68, G-64, M-67. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: 23 Nov 99.

b. Prior Sv: (1) AFRes 10 Nov 94 - 21 Mar 95 (4 months 12 days) (Inactive).
(2) Enlisted as Amn 22 Mar 95 for 4 yrs. Svd: 3 yrs 3 months 13 days, all AMS. A1C - 22 Jan 96. SrA - 22 Mar 98. EPRs: 4.

3. **SERVICE UNDER REVIEW:**

- a. Reenlisted as SrA 6 Jul 98 for 6 yrs. Svd: 1 Yrs 9 Mo 14 Das, all AMS.
- b. Grade Status: None.
- c. Time Lost: None.
- d. Art 15's: None.
- e. Additional: 13 MAR 97 - Civilian Conviction for assault.
- f. CM: None.
- g. Record of SV: 21 Oct 97 - 26 Jul 98 Dyess AFB 5 (CRO)
27 Jul 98 - 25 Apr 99 Osan AB 4 (CRO)
- h. Awards & Decs: AFLSAR, AFTR, AFOSSTR, NDSM, AFEM, AFOUA, AFGCM.
- i. Stmt of Sv: TMS: (5) Yrs (5) Mos (11) Das
TAMS: (5) Yrs (1) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Jan 04.
(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Final Divorce Decree.
3. Three University Registration Account Statements.
4. Supporting Documents (37).

1APR04/ia

FD 2004-00062



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH BOMB WING (ACC)
DYESS AIR FORCE BASE TEXAS

MEMORANDUM FOR SrA [REDACTED]

FROM: 7 EMS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Civilian Conviction. The authority for this action is AFI 36-3208, paragraph 5.51, dated 14 Oct 94. If my recommendation is approved, your service will be characterized as Honorable or General. I am recommending that your service be characterized as General (Under Honorable Conditions).

2. My reason for this action is you were on 13 Mar 00 found guilty in the County Court At Law No.1 of Taylor County, TX for Class A Assault, as evidenced by The State of Texas v. [REDACTED]

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising 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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Capt [REDACTED] Area Defense Counsel, on 30 Mar 00 at 0900 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 4 Apr 00, 0800 hours, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

6. You have been scheduled for a medical examination on 31 Mar 00, at 0800 hours, at the 7th Medical Group Hospital, Physical Exams Section.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFPD 36-32 and AFI 36-3208 is available for your use in the orderly room.

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

[REDACTED]
[REDACTED] Major, USAF
[REDACTED] Commander

Attachments:

- 1. Airman's Receipt of Letter of Notification
- 2. The State of Texas vs [REDACTED] dated 20 Mar 00