

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE CADET	AFSN/SSAN ██████████			
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING <div style="border: 1px dashed black; width: 250px; height: 100px; margin-top: 10px;"></div>		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A94.05	INDEX NUMBER A60.00	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 02 Dec 2004	CASE NUMBER FD-2004-00282					
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.						
INDORSEMENT				DATE: 12/3/2004		
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-2004-00282

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 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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received a General discharge from the United States Air Force Academy for unlawfully entering another cadet's room with the intent to commit a criminal offense consummating in assault and battery of that cadet. The Board concluded the misconduct was a significant departure from conduct expected of all military members. While it is unfortunate that the applicant is not able to obtain certain jobs due to his discharge, it does not excuse past misconduct and thus the characterization of the discharge received by the applicant was found to be appropriate.

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 AF CADET) (HGH AF CADET)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Academy, CO on 14 Dec 01 UP AFI 36-2020 (Deficiency in Conduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Nov 80. Enlmt Age: 19 7/12. Disch Age: 21 1/12. Educ: HS DIPL.
AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: Not Applicable.
DAS: 29 Jun 00.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enrolled at USAF Academy as AF Cadet 29 Jun 00 for 4 yrs. Svd: 1 Yrs 5 Mo 16 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: Unlawfully entered the room of another cadet with intent to commit a criminal offense, to wit: assault consummated by a battery and for unlawfully striking another cadet.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: NONE.

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

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 14 Jul 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

FD2004-00282

ATCH

1. Applicant's Issues.
2. DD Form 214.

20AUG04/ia

15 July 2004

Statement

The purpose of this statement is to clarify the occurrences of 19 Aug 2001, and the events following that date, and to request an upgrade to my discharge status.

[REDACTED] the military training officer at the time of this incident, told my father in a conversation that we were rushed out of the Academy because we supported a criminal. However, the 'criminal' whom [REDACTED] referenced received an Honorable Discharge. I was sent out into civilian life with a General Discharge *due to misconduct* as stated on my form DD214. [REDACTED] also commented that what we did was the worst thing he had ever seen at the Academy, specifically including "rape." My father asked [REDACTED] why accused rapists were allowed to remain at the Academy while we were discharged, and he responded with two points: first, in *his* opinion, what we did was *worse* than rape. Second, our case was to be made an example of, and that is why we were punished so severely.

On the contrary, I have spoken with several graduates who have said that "blanket parties" happened all the time there in the past, and nobody did anything about them. If an individual was caught fighting behind closed doors while I was at the Academy, he or she generally received a Class A hit of 5/5/Y. I remember one specific example of a 4-degree cadet [REDACTED] striking an upper-class cadet square on the face, and he remained at the Academy with no serious probations. [REDACTED] stated that the rules have since changed, and that the Academy now pursues disenrollment for such cases. We were not aware of this. Furthermore, we were disenrolled for what seemed to be a minor infraction, while a lot of the major infractions (drugs, rape, alcohol abuse while driving, etc.) were ignored. Many of the officers responsible for such an environment have since been held accountable and discharged, and I feel as though their actions (or inactions) have had an extremely negative impact on my life.

I believe that the punishment dealt to us does not fit the crime. I have lost so much in life due to this poor decision. Our intentions were to hurt [REDACTED] pride, but not to harm him. We did not let our actions get out of hand, we were just training him. [REDACTED] the former Commandant of Cadets, had instructed our class that if we saw a fellow cadet, officer, etc. get out of line, "to kick his (butt) and get him back into line." We took this to heart, and acted in the only way we saw fit at the time.

Looking back, I understand that the action I chose was the wrong way to confront an individual about his flaws. Experience is what makes a leader so effective, and I feel that I have learned a great deal throughout this whole experience. I made a poor decision, and that is why I am no longer a Cadet at the United States Air Force Academy. However, it was my passion for the institution that led me to my actions. I feel that I have been persecuted for confronting a cadet that the institution could not confront itself due to a lack of evidence or general apathy. My actions on the night of 19 August 2001 were a misguided attempt to preserve the integrity of the Academy.

The Academy's upper tier of officers clearly felt that my retention at the institution was not merited and made the decision to disenroll me, sending me back into civilian life. I would like to think that the past is now behind me. I have moved on and graduated with a respectable grade point average from Texas A&M University in May, 2004. However, while applying for jobs, I have noticed that most of the jobs in my interests require extensive background checks. My form DD214 is a crucial element of those checks, and it currently states that I was discharged in a *General* character of service with a narrative reason for separation of *Misconduct*. I feel as though I have already suffered enough for my conduct on *one* night almost three years ago. Please consider characterizing my dismissal as Honorable or Under Honorable Conditions so that I may proceed in life without any further obstacles or hinderances. Thank you for your time.



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS UNITED STATES AIR FORCE ACADEMY
USAF ACADEMY, COLORADO

FD 2004-00282

MEMORANDUM FOR 34 TRG/CG-3
34 TRG/CS-27

IN TURN

FROM: HQ USAFA/JA

SUBJECT: Disenrollment Notification

1. The Superintendent has considered the facts and circumstances of your case of misconduct and upon the recommendations of the Hearing Officer, the Commandant of Cadets, and the USAF Academy Board, the Superintendent considers you unqualified as a candidate for graduation and commissioning. He has directed that you be separated from cadet status with a General Discharge.
2. Further, until you have been officially cleared to depart the Academy by Cadet Personnel, you are required to make yourself available for final out-processing and conduct yourself in accordance with AFCWI 51-201, USAFA Conduct, Discipline and Probation System.
3. Acknowledge receipt and understanding of this communication by signature below, returning the original letter to Cadet Disenrollments (JACD - Room 241) and a signed copy to Cadet Examinations and Records (DFRR - Room 6D106, FH) within 72 hours of receipt.



RECEIPT ACKNOWLEDGED:

30 Nov 2001



Commitment To Excellence

1. The Superintendent's options for disposition in the Hearing Officer case of

- 
_____ a. Retain Cadet Sefton with probation.
- _____ b. Retain Cadet Sefton without probation.
- _____ c. Direct that Cadet Sefton be disenrolled and given an honorable discharge.
-  _____ d. Direct that Cadet Sefton be disenrolled and given a general discharge.

2. RECOMMENDATION: That the Superintendent initial next to the appropriate option and return to JACD for finalization.