

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em;"></div>				GRADE AB		AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>							
TYPE GEN		PERSONAL APPEARANCE		X		RECORD REVIEW							
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									
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD									
A93.02		A67.30											
									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											
27 Dec 2004		FD-2004-00332											
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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> <p>* Change Reason and Authority to Misconduct – Minor Disciplinary Infractions.</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>													
INDORSEMENT				DATE: 12/28/2004									
TO:				FROM:									
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				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-2004-00332

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

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: The Board grants partial relief. Upgrade of discharge is approved and will be Honorable. Change of reason and authority for discharge will be changed to Misconduct – Minor Disciplinary Infractions. The reenlistment code will not be changed.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's discharge to be inequitable.

ISSUE: Applicant does not contest her discharge, she merely wants to have it changed to honorable and would like to reentry the Air Force. The records indicated the applicant received an Article 15 for wrongfully having sexual intercourse with a married man. She also received a Letter of Counseling for falsifying an official government document. The DRB did not condone her misconduct but opined that her discharge was too harsh.

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 and the reason for the discharge is more accurately described as Misconduct – Minor Disciplinary Infractions under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
(Former AB) (HGH AMN)

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Dyess AFB, TX on 28 May 99 UP AFI 36-3208, para 5.52.3 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 3 Apr 78. Enlmt Age: 19 8/12. Disch Age: 21 1/12. Educ: HS DIPL. AFQT: N/A. A-54, E-66, G-68, M-32. PAFSC: 5R031 - Maintenance Data Systems Apprentice. DAS: 20 Apr 98.

b. Prior Sv: (1) AFRes 22 Dec 97 - 6 Jan 98 (15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 7 Jan 98 for 4 yrs. Svd: 1 Yrs 4 Mo 22 Das, all AMS.

b. Grade Status: AB - 20 May 99 (Article 15, 20 May 99)
AMN - 7 Jul 98

c. Time Lost: None.

d. Art 15's: (1) 20 May 99, Dyess AFB, TX - Article 134. You, did, at or near Abilene, Texas, on or about 16 Apr 99, wrongfully have sexual intercourse with [REDACTED], a married man not your husband. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOC, 1 OCT 98 - Falsifying an official government document.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (1) Yrs (5) Mos (7) Das
TAMS: (1) Yrs (4) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Jul 04.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: First of all - I would like to thank you for taking the time to

review my application. I served one year and three months as a Maintenance Data Systems Analysis Apprentice. I would have the chance to serve my country once again. I made mistakes when I was in the Air Force - That I wish I could take back, but the only thing I know I can do is to serve my country right this time. Thank you for taking time out to review this. I really need my discharge changed from General/Under Honorable Conditions to Honorable. Thank you - I have sent the papers to have my records sent to you.

ATCH

None.

26OCT04/ia



(PD 1004-00332)

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 7TH SUPPORT GROUP (ACC)
DYESS AIR FORCE BASE, TEXAS

MEMORANDUM FOR AB [REDACTED]

FROM: 7 MSS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Commission of a Serious Offense - Other Serious Offenses. The authority for this action is AFI 36-3208, dated 14 Oct 94, paragraph 5.52.3. 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 reasons for this action are:

- a. You did, on 16 Apr 99, wrongfully have sexual intercourse with [REDACTED], a married man not your husband, as evidenced by AF Form 3070, dated 20 May 99.
- b. You did, on or about 1 Oct 98, falsify an official government document, for which you were counseled, as evidenced by LOC, dated 1 Oct 98.

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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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 the Area Defense Counsel on 21 May 99 1530 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 26 May 99, 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 24 May 99 at 0900 hours, at the 7th Medical Group Hospital, Physical Exams Section.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208, dated 14 Oct 94. A copy of AFPD 36-32 and AFI 36-3208 is available for your use in the orderly room.

PD 2004-00332

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



Commander, 7 MSS

Attachments:

1. Airman's Receipt of
Letter of Notification
2. AF Form 3070, dated 20 May 99
3. LOC, dated 1 Oct 98