

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="background-color: black; width: 100%; height: 1.2em;"></div>		<b>GRADE</b>  <b>TSGT</b>	<b>AFSN/SSAN</b>  <div style="background-color: black; width: 100%; height: 1.2em;"></div>																																			
<b>TYPE UOTH</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>																																			
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<b>HEARING DATE</b>  <b>25 Feb 2005</b>	<b>CASE NUMBER</b>  <b>FD-2004-00490</b>																																					
<small>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</small>																																						
<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>Names and votes will be made available to the applicant at the applicant's request.</p>																																						
<b>INDORSEMENT</b>																																						
<b>TO:</b>  SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		<b>FROM:</b>  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-2004-00490**

**GENERAL:** The applicant appeals for upgrade of discharge to general.

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 an Under Other Than Honorable Conditions discharge for taking indecent liberties with a female under the age of 16 and for embezzlement. Applicant states that he completed all required actions the State ordered him to do and that the charges were changed to a Class A misdemeanor. The Board concluded the misconduct was a significant departure from conduct expected of all military members. Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

**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

(Examiner's Note: Missing Discharge Documents; however, AFBCMR Board Deliberation & Decision is attached)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr Hill AFB, UT on 16 Mar 95 UP AFI 36-3208, para 5.52 (Misconduct - Commission of a Serious Offense). Appeals for General Discharge.

a. DOB: 27 Nov 49. Enlmt Age: 23 8/12. Disch Age: 45 3/12. Educ: HS DIPL.  
AFQT: N/A. A-58, E-48, G-50, M-59. PAFSC: 3S071 - Personnel Craftsman.  
DAS: 20 Jul 86.

[illegible]

a. Reenlisted as TSgt 5 Oct 92 for 2 yrs. Extended 6 Feb 95 for 6 months.  
Svd: 2 Yrs 5 Mo 11 Das, all AMS.

h. Awards & Decs: MSM, AFCM W/2 OLCS, AFAM, DPUS W/1 OLC, AFOUA W/1 OLC, AFOEA, NMUC, AFGCM W/5 OLCS, AFRR, NDSM W/1 BSS, AFEM, AFOSLTR, AFLSAR W/4 OLCS, PMER W/1 OLC, SAEMR, AFTR.

i. Stmt of Sv: TMS: (21) Yrs (7) Mos (10) Das  
TAMS: (21) Yrs (4) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 4 Dec 04.  
(Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Termination of Probation.
3. Court Decision.
4. Air Force Board for Corrections of Military Records Decision, 6 Jan 03.
5. Letter of Reprimand Rebuttal.
6. Two Letters of Support.
7. Order for Medical Examination.
8. Two DD 214s.
9. Enlisted Performance Report.
10. Airman Performance Report.
11. List of Awards & Decorations.
12. Exhibits Admitted in Evidence.
13. Personal Statement.
14. Doctor's Medical Evaluation, 19 Jul 94:
15. Doctor's Medical Evaluation, 29 Oct 92.
16. Letter of Support.
17. Medical Record of Care.
18. Four Letters of Medical Evaluations.
19. Minutes of the Personal Affairs Casualty Team.
20. HQ AFLC Message.
21. Delegation of Authority Letter, 8 Aug 90.
22. Twelve Medical Documents.
23. Family Members Statements of Support.

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