

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE SSGT	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE UOTH	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
					X

ISSUES A92.35 A94.05	INDEX NUMBER A94.07	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 19 May 2006	CASE NUMBER FD-2005-00253	
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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

Names and votes will be made available to the applicant at the applicant's request.

*Reason and Authority
+Reenlistment Code

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT		DATE: 5/22/2006
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-2005-00253

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

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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 and is based on one isolated incident. The records indicated the applicant was discharged from the Utah Air National Guard in accordance with AFI 36-3208, Chapter 4, Discharge in Lieu of Court Martial. The applicant had four infractions within a twelve month period. The first infraction was for simple assault and the other three infractions were for indecent exposure. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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 SSGT) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr Utah ANG Base, Salt Lake City, UT on 10 Feb 03 UP AFI 36-3208, Chapter 4 (Discharge in Lieu of Court Martial). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 27 May 76. Enlmt Age: 18 4/12. Disch Age: 26 8/12. Educ: HS DIPL. AFQT: N/A. A-50, E-38, G-38, M-72. PAFSC: 3P051 - Security Forces Journeyman. DAS: 18 Apr 95.

b. Prior Sv: (1) Enlisted ANG as AB 25 Oct 94 for 4 yrs. Svd: 2 yrs 5 months 26 days, of which AMS is 6 months 18 days. Amn - 11 Jul 95. A1C - 26 Feb 96. No performance reports.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted ANG as A1C 21 Apr 97 for 6 yrs. Svd: 05 Yrs 09 Mo 20 Das, of which AMS is 4 months 9 days.

b. Grade Status: SSgt - 15 Aug 99
SrA - 14 Aug 97

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: JMUA, AFOUA, NDSM, SAEMR, AFTR, UNGAR.

i. Stmt of Sv: TMS: (08) Yrs (03) Mos (16) Das
TAMS: (01) Yrs (10) Mos (27) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Jun 05.
(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Twenty Two Character References.
3. Certificate of Achievement.
4. Two Letters of Appreciation.
5. Eight Training Certificates.
6. Copy of Military Personnel Documents.

24OCT05/ia

TO: Members of the board for Review of Discharge

From:

Re: DD form 293 Item #6

I believe that my discharge was inequitable because it was based on one isolated incident in my 8 ½ years of service to the State of Utah and the United States of America. I know that the decision was mine to accept the type of discharge that I received and I will not make excuses but I have realized that I still have a great desire to serve in the United States Air Force/ Utah Air National Guard. I have contacted recruiters and they have stated that I must get the discharge upgraded if at all possible before I can re-enlist. I understand that I brought discredit upon the United States Air Force and for this I am deeply sorry. I also understand that I embarrassed my Unit and my family by my actions over 2 years ago.

As I walk around and see men and women wearing the uniform of their branch of service I feel left out and ashamed. There are very few words that I can use to describe how I feel. I would like to give one of many examples of how this has affected my life. On July 4th 2003 shortly after I was discharged I was with my family at a local 4th of July parade. As I was standing there and the parade was under way, one of the aircraft from my base, a KC-135 and several F-16 fighters flew over the parade route to kick off the celebrations. As I stood there and saw the aircraft and heard the sounds of their engines, my heart sank and I had to fight to keep the tears back. My son was with me also and mentioned something about the aircraft; I stated to him what type they were while I had a tear streaming down my cheek. The parade then began with several dignitaries being driven down the parade route in several Humvees. Once again the tears ran down my face. While I was standing there watching the parade, I realized that I may never be able to wear the uniform of the United States Military ever again and this was very depressing. I have been going to the Utah Air National Guard base my entire 29 years of my life. My father was also in the same unit that I was. Most of the individuals in my unit I have known most of my life. I have always known that I was going to serve in the military but I did not count on the way that my career ended. If given the opportunity to continue to serve with the men and women of my unit, I know that I could restore the pride in both myself, my unit, the Utah Air National Guard and the United States Air Force. The discharge I received had also affected my civilian life as it has made it very difficult to continue in my chosen profession as a police officer. I have also promised my 6 year old son that I will do everything possible to become a "soldier" again so that I can return to my "soldier work". Thank you for your time in reviewing my evidence and considering me for a discharge upgrade.

STATE OF UTAH MILITARY DEPARTMENT
HEADQUARTERS UT ANG - OTAG
705 NORTH 2200 WEST
SALT LAKE CITY, UTAH 84116-2000

Personal Data Privacy Act of 1974 (5 USC 552a)

SPECIAL ORDER
AW - 304

07 AUG 03

SSO [redacted] (Mailing Address: 506 FLINT STREET
LAYTON, UT 84041-4100) is relieved from assignment with the 151 SECURITY
POLICE (NOI/FND) UTANG, 705 NORTH 2200 WEST, SALT LAKE CITY, UTAH
84116-2000 and discharged from the UTANG and as a Reserve of the Air Force
effective 10 FEB 03. The verbal order of the Commander on 10 FEB 03 is
confirmed; circumstances prevented written order in advance. Authority:
AFI 36-3209

BY ORDER OF THE GOVERNOR

/S/OFFICIAL/S/

[redacted]
CHIEF OF STAFF FOR AIR

DISTRIBUTION C

File Reports Tools Admin Window Help

Date: 10/21/2007 10:12:00 AM
 Case ID: 1317769
 Status: Pending

Current case info

Special Court Matters

- Member
- Special Interest Report
- Investigation
 - Investigation Info
 - Pending Offenses**
 - Disposition
- Profile
 - Profile Information
 - Discharge Request
 - Charges Preferred
 - Special Conditions
 - Circuit Information
 - Trial Personnel
 - Charges Referred
- DIBRS Incident
- Circuit

Pending Offenses Case Information

Mode: Edit Order Top

Total articles: 2 / Total offenses: 4

Number of specifications: 1
 Number of specifications: 3

I: Violation of UCMJ, Article 128.
 II: Violation of UCMJ, Article 134.

Seq	Offense	Simple assault
1	134R2 P C	In that STAFF SERGEANT
2	134R2 P C	States Air Force, 75th Mission Support Squadron, Hill Air Force
3	134R2 P C	Base, Utah, did at officer McConnell Air Force Base, Kansas
4	134R2 P C	between on or about 1 October 2001 and on or about 31 October

2001, unlawfully touch Senior Airman's groin with his hand.

ADD... Delete Ref

Charges

Article

Article

Article

2 (3)

3 (4)

Ready

stall

Received Time Oct. 21. 11:10AM

File Edit Report Tools Admin Window Help

Date input: 1/27/2003 Date closed: 2/1/2003 Disposition: JUDGE APPROVED

SSN: Click to display ADM number: Current date: 1/27/2003

Special Court-Martial
 Special Interest Report
 Investigation
 Investigation Info
 Pending Offenses
 Disposition
 Discharge History
 Charges Preferred
 Special Identifiers
 Court Information
 Trial Personnel
 Charges Related
 DISBA's Incident
 Court

Pending Offenses Case Information

Mode: E4 Other Trial

Total articles: 24 / Total charges: 4
 Number of specifications: 1
 Number of specifications: 3

1. Violation of UCMJ, Article 128.
 11. Violation of UCMJ, Article 134.

Seq Offense
 1. 128-A P C
 2. 134-R2 P C
 3. 134-R2 P C
 4. 134-R2 P C

Indecent exposure.

In that STAFF SERGEANT [redacted] United States Air Force, 75th Mission Support Squadron, Hill Air Force Base, Utah, did, at or near the Utah Air National Guard Base, Salt Lake City, Utah, on or about 31 October 2002, on several occasions, while inside building number 40, the Operations Building, willfully and wrongfully expose in an indecent manner to public view his penis.

Add... Delete Roll

Ready

Received Time Oct. 21. 11:10AM