

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 CAPT	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW				
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 2px;">YES</td> <td style="width:50%; padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	YES	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
YES	No						
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MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X*
					X*
					X*
					X*
					X*

ISSUES A93.19 A92.21 A01.55 A94.05 A02.25	INDEX NUMBER A66.00	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </tbody> </table>	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
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HEARING DATE 05 Jul 2006	CASE NUMBER FD-2005-00344	
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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

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

* Reason and Authority

SIGNATURE OF RECORDER <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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INDORSEMENT	DATE: 7/11/2006
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

CASE NUMBER

FD-2005-00344

GENERAL: The applicant appeals for upgrade of discharge to general 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 and change of reason and authority for discharge 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:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant had a General Court Martial Trial for misconduct in which he was found guilty on six Specifications. Specifications 1-4, he was found guilty of orally communicating to females certain indecent language; and Specifications 5 and 6, he was found guilty of wrongfully communicating a threat. He was sentenced to forfeiture of \$500.00 pay for three months. The DRB 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.

Issue 2. 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.

Issue 3. The DRB was pleased to see that the applicant was doing well. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

If applicant can provide additional documented information to substantiate an issue, he should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity, copies of discharge documentation provided to applicant upon separation, and any exemplary post-service accomplishments as well as any contributions to the community. Applicant must exercise his right to make a personal appearance before the Board no later than November 1, 2006.

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 CAPT) (HGH CAPT)

MISSING DISCHARGE DOCUMENTS & SMR

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF Malmstrom AFB, MT on 7 Sep 90 UP AFR 36-12 (Misconduct - Moral or Professional Dereliction: Sexual Perversion). Appeals for General and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 3 Aug 52. Enlmt Age: 20 5/12. Disch Age: 37 1/12. Educ: Bachelor Degree. AFQT: Unknown. PAFSC: 3124 - Missile Maintenance Officer. DAS: (OER Indicates): 15 Aug 86-20 Mar 87..

b. Prior Sv: (1) AFRes 1 Feb 73 - 7 Mar 73 (1 month 7 days) (Inactive).

(2) Enlisted as AB 8 Mar 73 for 4 yrs. Extended 2 Nov 76 for 20 months. Reenlisted as SSgt 11 Jul 78 for 4 yrs. Svd: 8 yrs 10 months 20 days, all AMS. Amn - Unknown. A1C-(APR Indicates): 8 Mar 73-8 Mar 74. Sgt - 1 Dec 75. SSgt - 1 Dec 77. APRs: 9,9,9,9,9,9,9,9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Appointed to 2Lt and Ordered to EAD on 9 Jan 82. Svd: 08 Yrs 07 Mo 10 Das, all AMS.

b. Grade Status: Capt - 29 Jan 86
1Lt - 29 Jan 84

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AF 286A, 10 Aug 89 - Permanent Decertification from PRP.

f. CM: General Court Martial Order No.62 - 13 Mar 90

CHARGE: Article 134. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at divers times between on or about 15 Jun 88 and on or about 16 May 89, orally communicate to a female certain indecent language. Plea: Guilty. Finding: Guilty.

Specification 2: Did, at divers times between on or about 1 Mar 89 and on or about 20 May 89, orally communicate to a female certain indecent language. Plea: Guilty. Finding: Guilty.

Specification 3: Did, at divers times between on or about 17 Mar 89 and on or about 16 May 89, orally communicate to a female certain indecent language. Plea: Guilty. Finding: Guilty.

Specification 4: Did, at divers times between on or about 1 Feb 89 and on or about 16 May 89, orally communicate to a female certain indecent language. Plea: Guilty. Finding: Guilty.

Specification 5: Did, on or about 14 Jan 89, wrongfully wrongfully communicate a threat. Plea: Guilty. Finding: Guilty.

Specification 6: Did, on or about 21 Jan 89, wrongfully wrongfully communicate a threat. Plea: Guilty. Finding: Guilty. Sentence adjudged on 14 Feb 90: Forfeiture of \$500.00 pay per month for 3 months.

g. Record of SV: 09 Jun 82 - 03 Apr 83 McConnell AFB 01 (Semiannual)
 04 Apr 83 - 24 Oct 83 McConnell AFB 01 (Semiannual)
 25 Oct 83 - 24 Apr 84 McConnell AFB 01 (Semiannual)
 25 Apr 84 - 10 Jan 85 McConnell AFB 01 (Semiannual)
 11 Jan 85 - 19 Jun 85 McConnell AFB 01 (CRO)
 15 Aug 86 - 20 Mar 87 Malmstrom AFB 01 (CRO)
 10 Oct 87 - 09 Oct 88 Malmstrom AFB MS (Annual)
 10 Oct 88 - 06 Dec 89 Malmstrom AFB DNMS (Annual)REF

h. Awards & Decs: CRM, SAEMR, AFTR, NCOPMER, AFLSAR W/3 DEV, AFOSLTR, NDSM, AFGCM W/1 OLC, AFOUA W/1 DEV, AFCM W/1 OLC.

i. Stmt of Sv: TMS: (17) Yrs (07) Mos (07) Das
 TAMS: (17) Yrs (06) Mos (00) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Aug 05.

(Change Discharge to General and the Change the Reason and Authority for Discharge)

Issue 1: Character of discharge is inequitable because at "show cause" notification I was offered a general under honorable condition discharge in lieu of an administrative board. The board had no option to grant a general under honorable condition discharge without severance pay only honorable or under other than honorable.

Issue 2: Character of discharge is inequitable because it is too harsh in accurately reflecting the overall quality of service. While not condoning the misconduct of alcoholic behavior, all other aspects of service before, during, and after the misconduct were outstanding. Other than that period of off duty misconduct, no other adverse action was ever taken.

Issue 3: The reason for discharge should be changed to Secretarial Authority because the correct underlining reason was alcoholism as evidenced by the medical record diagnosis, the Social Actions alcohol treatment completion, and complete absence of any adverse incidents since then and up to now with 15 years of abstinence.

FD2005-00344

ATCH
None.

2DEC05/ia