

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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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				
	Y/N	GEN	UO/HC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53	INDEX NUMBER A67.90	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 25 May 2006	CASE NUMBER FD-2005-00431	
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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.

SIGNATURE OF RECORDER [Signature]	SIGNATURE OF BOARD PRESIDENT [Signature]
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INDORSEMENT		DATE: 5/30/2006
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-2005-00431

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 submitted no issues. The Records indicated the applicant received two Article 15s and one Letter of Reprimand for misconduct to include underage drinking while in the presence of minor females whom he had invited to his on-base quarters, allowing three females to reside in his on-base residence while his wife was away at Technical School, and committing of adultery. 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 and 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Minot AFB, ND on 30 Jun 03 UP AFI 36-3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 21 Jun 83. Enlmt Age: 19 3/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-44, E-50, G-59, M-60. PAFSC: 3P031 - Security Forces Apprentice. DAS: 5 Mar 03.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 02 Oct 02 for 6 yrs. Svd: 00 Yrs 08 Mo 29 Das, all AMS.

b. Grade Status: Amn - 13 Jun 03 (Article 15, 13 Jun 03)
A1C - 22 Nov 02

c. Time Lost: None.

d. Art 15's: (1) 13 Jun 03, Minot AFB, ND - Article 134. You, a married man, did, on or about 19 May 03, wrongfully have sexual intercourse with [redacted] a married woman not your wife. Reduction to Airman. Forfeiture of \$250.00 pay per month for 2 months. Restriction to the limits of Minot AFB, ND for 30 days, 30 days extra duty, and a reprimand. (No appeal) (No mitigation)

(2) 01 May 03, Minot AFB, ND - Article 92. You, who knew of your duties, on or about 5 Apr 03, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of twenty-one years of age, as it was your duty to do. Forfeiture of \$150.00 pay, and a reprimand. (No appeal) (No mitigation)

e. Additional: LOC/UIF, 21 MAR 03 - Had three females residing in on-base quarters while wife was away at technical training.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (00) Yrs (08) Mos (29) Das
TAMS: (00) Yrs (08) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 04 Nov 05.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
None.

12DEC05/ia



DEPARTMENT OF THE AIR FORCE

91ST SPACE WING (AFSPC)

JUN 17 2003

MEMORANDUM FOR AMN [REDACTED] 91 MSFS

FROM: 91 MSFS/CC

SUBJECT: Letter of Notification - AFI 36-3208, Paragraph 5.50.2.

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, conduct prejudicial to good order and discipline. The authority for this action is AFPD 36-32, Military Retirements and Separations, 14 Jul 93, and AFI 36-3208, Administrative Separation of Airmen, 10 Mar 00, Chapter 5, Section H, paragraph 5.50.2. If my recommendation is approved, your discharge will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. You, a married man, did, at or near Minot Air Force Base, North Dakota, on or about 19 May 03, wrongfully have sexual intercourse with [REDACTED] a married woman not your wife. You were punished under Article 15 of the UCMJ on 13 Jun 03 and this action was added to your existing Unfavorable Information File (UIF). (Atch 3)

b. On or about 21 May 03, you had three females residing in your on-base quarters while your wife was away attending technical training. You received a Letter of Counseling and this incident was added to your existing UIF on 21 May 03. (Atch 4-5)

c. You, who knew of your duties at or near Minot Air Force Base, North Dakota, on or about 5 Apr 03, were derelict in the performance of those duties in that you willfully failed to refrain from consuming alcohol while under the age of twenty-one years of age, as it was your duty to do. You were punished under Article 15 of the UCMJ on 1 May 03 and a UIF was established. (Atch 6)

3. The Letter of Notification with attachments will be forwarded to the separation authority in support of this recommendation. The commander exercising SPCM jurisdiction (5 BW/CC) or a 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.

4. 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 Capt: [REDACTED] Area Defense Counsel, at 300 Summit Drive, Room 306A, at 0900 hours on 19 JUN 2003. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1600 hours on 23 JUN 03 2003, unless you request and receive an extension for good cause shown. I will send any statements you provide to the separation authority.
6. 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.
7. You have been scheduled for a medical examination. You must report to the 5th Medical Group Hospital, 10 Missile Avenue, Minot AFB, ND, at 0900 hours on 26 JUN 2003, for the examination. You must not drink alcoholic beverages 72 hours prior to the exam.
8. The Privacy Act of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the Orderly Room.
9. Sign the attached Receipt of Notification and Statement of Understanding and return them to me immediately.

Commander, 91st Missile Security Forces Squadron

Attachments:

1. Receipt of Letter of Notification
2. Statement of Understanding
3. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 16 Jun 03, w/atch
4. Letter of Counseling, 21 May 03
5. AF Form 1058, Unfavorable Information File Action, 21 May 03
6. AF Form 3070, Record of Nonjudicial Punishment Proceedings, 5 May 03, w/atch