

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE SRA		AFSN/SSAN	
TYPE HON		PERSONAL APPEARANCE		X RECORD REVIEW	
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBER SITTING				VOTE OF THE BOARD	
				HON	GEN
				UOTHC	OTHER
				DENY	
ISSUES A94.53				INDEX NUMBER A94.21	
				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-2005-00451			
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		
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-2005-00451
<p>GENERAL: The applicant appeals to change the reason and authority for the discharge and to change the reenlistment code.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Change of reason and authority for discharge and change of reenlistment code are denied.</p> <p>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 reason and authority for discharge or a change of reenlistment code.</p> <p>ISSUE: Applicant received an Honorable discharge for Homosexual Activity.</p> <p>Applicant contends that the reason for her discharge was the result of confusion and inaccuracy and warrants that any remark or representation that she is a homosexual is blatantly not true. The records indicated the applicant submitted a signed, written memorandum to her First Sergeant in which she stated that she confessed her homosexuality and her plans to marry her girlfriend, and that she also told her First Sergeant that she no longer wished to stay in the closet and planned on marrying her girlfriend. The characterization of the discharge received by the applicant was found to be appropriate, and the Board concluded the reason and authority and reenlistment code were appropriate for the reasons which were the basis for this case.</p> <p>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.</p> <p>In view of the foregoing findings the Board further concludes that there exists no legal or equitable basis for changing the reason and authority for discharge or reenlistment code.</p> <p>Attachment: Examiner's Brief</p>	

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

(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF Langley AFB, VA on 15 Apr 03 UP AFI 36-3208, para 5.36.2 (Homosexual Conduct). Appeals for a Change in RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 11 Oct 78. Enlmt Age: 20 10/12. Disch Age: 24 6/12. Educ: HS DIPL. AFQT: N/A. A-90, E-51, G-42, M-57. PAFSC: 2T151 - Vehicle Operations Journeyman. DAS: 14 Aug 00.

b. Prior Sv: (1) AFRes 18 Aug 99 - 12 Oct 99 (1 month 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Oct 99 for 6 yrs. Svd: 03 Yrs 06 Mo 03 Das, all AMS.

b. Grade Status: SrA - 26 Mar 02
AlC - 26 Nov 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MEMO, 11 MAR 03 - Homosexual admission.

f. CM: None.

g. Record of SV: 13 Oct 99 - 15 Apr 01 Langley AFB 5 (HAF Dir)
16 Apr 01 - 15 Apr 02 Langley AFB 5 (Annual)

h. Awards & Decs: AFTR, NDSM, AFGCM.

i. Stmt of Sv: TMS: (03) Yrs (07) Mos (29) Das
TAMS: (03) Yrs (06) Mos (03) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 16 Nov 05.
(Change Discharge to Change the RE Code, Reason and Authority for Discharge)

Issue 1: I was discharged from the United States Air Force on April 16, 2003. I hereby request to reenlist in the United States Air Force and to honorably complete my term of enlistment. I respectfully submit that the reason for my discharge was a result of confusion and inaccuracy. I warrant that any remark or representation that I am a homosexual is blatantly not true. And, that I am prepared and ready to carry out my service to my country. I am

available for service immediately. Thank you for your consideration. My military record and conduct was perfect and in very good standing.

ATCH

1. DD Form 214.
2. AF Form 100.

6JAN06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

FD2005-00451

3 April, 03

MEMORANDUM FOR SRA [REDACTED]

FROM: 1 LRS/CC

SUBJECT: Notification Memorandum – Board Hearing

1. I am recommending your discharge from the United States Air Force for homosexual conduct according to AFPD 36-32, Military Retirements and Separations, and AFI 36-3208, Administrative Separation of Airman, Chapter 5, Section G, Paragraph 5.36.2. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are: On or about 11 Mar 03, you submitted a written memorandum to your First Sergeant stating you confessed to TSgt: [REDACTED] that you are a homosexual and plan to marry your girlfriend on 1 May 03 (Attachments 1a and 1b). Your statement that you are a homosexual and that you plan to marry your girlfriend, or words to that effect, creates a rebuttable presumption that you engaged in, attempted to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

3. This action could result in your separation with an under honorable conditions (general) discharge. I am recommending that you receive an honorable discharge. The commander exercising special court-martial jurisdiction or a higher authority will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably be denied enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds you have received may be subject to recoupment.

4. You have the right to:

(a) Consult legal counsel.

(b) Present your case to an administrative discharge board.

(c) Be represented by legal counsel at a board hearing.

(d) Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

(e) Waive the above rights. You must consult legal counsel before deciding to waive any of your rights.

5. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, 54 Willow Street, Bldg. 147, (757) 764-5607 at 0900

hours on April 4, 2003. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

6. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

7. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at _____ hours on _____ 2003. An additional examination will be scheduled if necessary. You must bring your medical records to your scheduled appointment.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the unit orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

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



Commander, 1st Logistics Readiness Squadron

Attachments:

1. Supporting Documents
 - a. Memorandum, dated 11 Mar 03
 - b. Memorandum, dated 26 Mar 03
2. Receipt of Notification Memorandum