

**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  MSGT	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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<b>TYPE UOTH</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	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%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;"><b>X</b></td> </tr> </table>	YES	No		<b>X</b>		
YES	No					
	<b>X</b>					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X
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ISSUES <b>A92.01</b> <b>A92.03</b> <b>A94.05</b>	INDEX NUMBER <b>A67.00</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>														
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;"><b>1</b></td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;"><b>2</b></td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;"><b>3</b></td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;"><b>4</b></td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td></tr> </table>	<b>1</b>	ORDER APPOINTING THE BOARD	<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	<b>3</b>	LETTER OF NOTIFICATION	<b>4</b>	BRIEF OF PERSONNEL FILE		COUNSEL'S RELEASE TO THE BOARD		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE HE
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HEARING DATE <b>08 Feb 2007</b>	CASE NUMBER <b>FD-2006-00247</b>	
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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 in 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.

<b>ENDORSEMENT</b>  TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 2/16/2007  FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

**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:**

Issue 1. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. He contends that he had charges pending against him by the State of Arizona. He had not been convicted prior or up to the date of his discharge from the Air Force. The records indicated the applicant received an Under Other Than Honorable Conditions (UOTHC) discharge for Misconduct – Sexual Perversion on November 20, 2000. Applicant was represented by counsel and exercised his right to an administrative discharge board which convened on October 6, 2000. The board recommended the applicant be discharged from the Air Force with a UOTHC characterization. The records also indicated applicant had submitted a retirement application. The retirement application was considered and disapproved by the Secretary of the Air Force on November 20, 2000. 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.

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.

**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 MSGT) (HGH MSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF Davis-Monthan AFB, MT on 20 Nov 00 UP AFI 36-3208, para 5.52.1 (Misconduct - Sexual Perversion). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 18 Apr 61. Enlmt Age: 17 11/12. Disch Age: 29 7/12. Educ: HS DIPL. AFQT: N/A. A-64, E-68, G-44, M-69. PAFSC: 2A471 - Aircraft Guidance & Control Craftsman. DAS: 17 Mar 97.

b. Prior Sv: (1) AFRes 8 Feb 79 - 25 Jun 79 (4 months 18 days)(Inactive).

(2) Enlisted as AB 26 Jun 79 for 4 yrs. Reenlisted as SrA 25 Feb 83 for 4 yrs. Extended 25 Mar 86 for 33 months. Extended 10 Jul 88 for 12 months. Reenlisted as SSgt 2 Oct 89 for 4 yrs. Extended 1 May 90 for 1 month. Reenlisted as SSgt 26 Mar 93 for 4 yrs. Svd: 16 yrs 10 months 25 days, all AMS. Amn - 26 Dec 79. A1C - 26 Jun 80. SrA - 1 Mar 82. SSgt - 1 Jan 88. TSgt - 1 Jan 95. APRs: 9,9,9,8,8,9,9,9,9,9,9,9. EPRs: 5,5,5,5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as TSgt 21 May 96 for 3 yrs. Extended 25 Jun 98 for 14 months. Extended 19 Jul 00 for 4 months. Extended 11 Dec 00 for 1 month. Svd: 04 Yrs 06 Mo 00 Das, all AMS.

b. Grade Status: MSgt - 1 Jul 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV:	29 Jun 95 - 28 Jun 96	Spangdahlem AB	5	(Annual)
	29 Jun 96 - 01 Mar 97	Spangdahlem AB	5	(CRO)
	02 Mar 97 - 01 Mar 98	Davis-Monthan AFB	5	(Annual)
	02 Mar 98 - 01 Mar 99	Davis-Monthan AFB	5	(Annual)
	02 Mar 99 - 01 Mar 00	Davis-Monthan AFB	5	(Annual)

h. Awards & Decs: AFAM W/3 DEVS, AFCM W/1 DEV, MSM, AFLSAR W/4 DEVS, AFTR, SWASM W/2 DEVS, AFSM, AFOSLTR W/2 DEVS, NDSM, HSM, NCOPMER, NATOM, AFOUA W/VALOR W/4 DEVS, AFGCM W/6 DEVS.

i. Stmt of Sv: TMS: (21) Yrs (09) Mos (13) Das  
TAMS: (21) Yrs (04) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Jun 06.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Seven Character References.
3. Retirement Order.

31JUL06/ia

<b>APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES</b> <i>(Please read instructions on Pages 3 and 4 BEFORE completing this application.)</i>		OMB No. 0704-0004 OMB approval expires Aug 31, 2008
The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. <b>PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.</b>		
<b>PRIVACY ACT STATEMENT</b>		
AUTHORITY: 10 U.S.C. 1553; E.O. 9397. PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual. ROUTINE USE(S): None. DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.		
<b>1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.</b>		
a. BRANCH OF SERVICE (X one)		ARMY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input type="checkbox"/> COAST GUARD <input type="checkbox"/>
b. NAME (Last, First, Middle Initial)		c. GRADE/RANK AT DISCHARGE E-7/MSGT
d. SOCIAL SECURITY NUMBER		_____
2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 16 years ago, submit a DD Form 149) 20001120		4. DISCHARGE CHARACTERIZATION RECEIVED (X one)
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 358 FS DAVIS-MONTHAN AFB		HONORABLE <input type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> X UNDER OTHER THAN HONORABLE CONDITIONS <input checked="" type="checkbox"/> BAD CONDUCT (Special court-martial only) <input type="checkbox"/> UNCHARACTERIZED <input type="checkbox"/> OTHER (Explain) <input type="checkbox"/>
		5. BOARD ACTION REQUESTED (X one)
		X CHANGE TO HONORABLE <input checked="" type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS <input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) <input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO: <input type="checkbox"/>
6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) I feel my discharge was unfair for numerous reasons. I applied for and was approved for retirement on 30 June 2000. After my retirement was approved I was placed on administrative hold due to legal issues with the State of Arizona and eventually discharged with an "under other than honorable" characterization. I had charges pending against me by the State of Arizona. I had not been convicted prior or up to the date of my discharge. I had no judicial or non-judicial proceedings brought against me by the Air Force.		
7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) _____ AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.		
8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)		
9. TYPE OF REVIEW REQUESTED (X one)		
X CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.		
I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.		
I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) _____ (NOTE: The Navy Discharge Review Board does not have a traveling panel.)		
10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.) N/A		b. TELEPHONE NUMBER (Include Area Code) N/A
		c. E-MAIL N/A
		d. FAX NUMBER (Include Area Code) N/A
11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) _____ and relationship by marking a box below.		
<input type="checkbox"/> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER (Specify) _____		
12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)		b. TELEPHONE NUMBER (Include Area Code)
_____		c. E-MAIL
		d. FAX NUMBER (Include Area Code) N/A
13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)		CASE NUMBER (Do not write in this space.) FD 2006-00247
a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)		b. DATE SIGNED - REQUIRED (YYYYMMDD) 20060622
_____		_____

**14. CONTINUATION OF ITEM 6, ISSUES (if applicable)**

I was simply given an "under other than honorable" discharge. Throughout my career I have been professional, honorable, and kept my integrity. My personnel records reflect my character. I had letters of support from friends, family and coworkers, but my military counsel did not feel it necessary to present them at my discharge hearing. Copies of the letters are attached. I also was presented with a Meritorious Service Medal by my First Sergeant even after my discharge was approved by the review board. I put in over twenty-one years of exemplary service with no negative marks on my record. The Air Force was my life and part of my family and it hurt tremendously to be discharged in the manner that I was. I believe that my pending legal issues did not justify my administrative discharge and should not overshadow my twenty-one years of exemplary service.

**15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (if applicable)**

**16. REMARKS (if applicable)**

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.**

<p align="center"><b>ARMY</b></p> <p>Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a>)</p>	<p align="center"><b>NAVY AND MARINE CORPS</b></p> <p>Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023</p>
<p align="center"><b>AIR FORCE</b></p> <p>Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742</p>	<p align="center"><b>COAST GUARD</b></p> <p>U.S. Coast Guard Commandant (G-WPM) 2100 Second Street, S.W. Room 5500 Washington, DC 20593</p>



DEPARTMENT OF THE AIR FORCE  
358TH FIGHTER SQUADRON (ACC)  
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

FD 2006-00247

MEMORANDUM FOR MSGT: [REDACTED], 358 FS

FROM: 358 FS/CC

SUBJECT: Notification Memorandum – Board Hearing

1. I am recommending your discharge from the United States Air Force for misconduct, specifically commission of a serious offense, according to AFPD 36-32 and AFI 36-3208, under the provisions of paragraph 5.52.1, sexual perversion. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.
2. My reasons for this action are that between on or about July 1996 and on or about 28 February 1997, at or near Spangdahelm Air Base, Germany, you sexually abused your son, [REDACTED], who was 4 years old at the time, on divers occasions, by fondling his genitalia during baths, showers, and in your bed. Also, between on or about 17 March 1997 and on or about 7 June 2000, at or near Tucson, Arizona, you sexually abused your son, [REDACTED]; on divers occasions, by fondling his genitalia, performing oral sex upon him, and having him perform like acts upon you. Additionally, beginning on or about 17 March 1997 and continuing through 1999, at or near Tucson, Arizona, on divers occasions, you accessed and downloaded child pornography from the Internet onto your personal computer. As a result, you are facing criminal prosecution by civilian authorities.
3. This action could result in your separation with an under other than honorable conditions (UOTHC) discharge. I am recommending you receive a UOTHC discharge. The commander exercising SPCM 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 and any special pay, bonus, or education assistance funds 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 making a decision to waive any rights.

Global Power For America  
PG 1 of 2 PGS

Government Exhibit 3  
Page Offered 7  
Page Admitted 13  
Page Rejected —

5. The Area Defense Counsel can be reached at 228-5664 to assist you. You can call to setup a time to consult with military legal counsel. 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, by 20 SEP 00, 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 Physical Exams Office of the Aeromedical Facility, Bldg 400, Room 13, at 1430 on 12 SEP 00 for the examination.

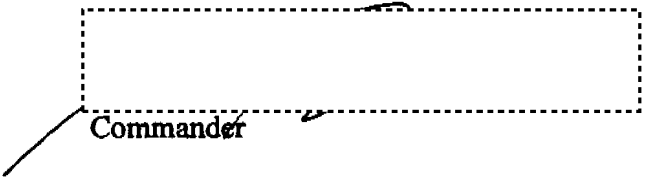
8. You must report to the Military Personnel Flight (MPF), Separations Element, Bldg 3200, Rm 14 at 0800 on 12 SEP 00 for an outprocessing briefing. If you have questions, please call 228-5366.

9. 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 at your unit orderly room. Return the directive to the orderly room when the case is completed.



10. 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.

11. The discharge board or the discharge authority will make the findings and recommendations required under 10 U.S.C. 2005(g).

12. Execute the attached acknowledgement and return it to me immediately.

  
Commander

Attachments:

- 1. Supporting Documents
  - a. Statement of:  12 Jun 00 (31 Pages)
  - b. Statement of:  12 Jun 00 (47 Pages)
  - c. Mental Health Record, 20 Jun 00 (3 pages)
- 2. Airman's Receipt of Notification Ltr