

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%; margin-top: 5px;"></div>		GRADE SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%; margin-top: 5px;"></div>																																			
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HEARING DATE 22 Feb 2007	CASE NUMBER FD-2006-00254																																					

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.

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INDORSEMENT TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	DATE: 2/26/2007 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-2006-00254

GENERAL: The applicant appeals for upgrade of discharge to General.

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.

ISSUES:

The applicant contends that his discharge was improper because he was discharged prior to his civilian conviction. The record indicates the applicant was arrested for murder and two counts of attempted murder. An administrative discharge board was held to determine if there was a basis for separation, whether the applicant should be discharged, what characterization should be given and if probation and rehabilitation were appropriate. The administrative board found the applicant had committed a serious offense and that a punitive discharge would have been authorized for the same or closely related offense in the Manual for Courts Martial. The administrative board recommended he be separated with an Under Other Than Honorable Conditions discharge. After review of the record, the DRB Board found the applicant's issue to be without merit and concluded the misconduct was a significant departure from conduct expected of all military members. The Board determined the applicant's misconduct was severe enough to warrant his discharge and the characterization of the discharge was 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 SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTHC Disch fr USAF Maxwell AFB, AL on 1 Apr 03 UP AFI 36-3208, para 5.52.3 (Commission of a Serious Offense). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 6 Dec 78. Enlmt Age: 18 6/12. Disch Age: 24 3/12. Educ: HS DIPL. AFQT: N/A. A-68, E-73, G-84, M-36. PAFSC: 3E051 - Civil Engineering Electrical Systems Journeyman. DAS: 30 Sep 98.

b. Prior Sv: (1) AFRes 13 Jun 97 - 30 Sep 97 (3 months 18 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 01 Oct 97 for 6 yrs. Svd: 05 Yrs 06 Mo 01 Das, of which AMS is 05 Yrs 05 Months 6 Day (excludes 26 days lost time).

b. Grade Status: SrA - 10 Apr 00
A1C - 15 Nov 97

c. Time Lost: 13 Oct 02-13 Oct 02 and 14 Oct 02-7 Nov 02 (26 days).

d. Art 15's: None.

e. Additional: 14 OCT 02 - Civil arrest for murder and two counts of attempted murder.

f. CM: None.

g. Record of SV: 1 Oct 97 - 31 May 99 Maxwell AFB 5 (Initial)
1 Jun 99 - 31 May 00 Maxwell AFB 5 (Annual)
1 Jun 00 - 31 May 01 Maxwell AFB 5 (Annual)
1 Jun 01 - 31 May 02 Maxwell AFB 5 (Annual)

h. Awards & Decs: AFOUA W/1 OLC, AFGCM, NDSM, AFLSAR, NCOPMER, AFTR.

i. Stmt of Sv: TMS: (05) Yrs (08) Mos (23) Das
TAMS: (05) Yrs (05) Mos (06) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jun 06.
(Change Discharge to General)

Issue 1: My discharge was based only on a civilian criminal case. Because I was discharged prior to a conviction, it was improper.

ATCH
None.

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