

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; height: 100px; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A92.35	INDEX NUMBER A75.00	<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 IIE</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 IIE
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HEARING DATE 08 Mar 2007	CASE NUMBER FD-2006-00356	
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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 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.

INDORSEMENT	DATE: 3/8/2007
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

FD-2006-00356

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.

ISSUE: Applicant contends discharge was iniquitable because it was based on one isolated incident in 52 months of service with no other adverse actions. The records indicated the applicant requested and received an Under Other than Honorable Discharge in Lieu of Trial by Court-martial. The applicant was charged with having sexual intercourse with a minor and adultery. 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.

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 Wurtsmith AFB, MI on 15 Jan 93 UP AFR 39-10, Chapter 4 (Triable by Court Martial). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 18 Apr 71. Enlmt Age: 17 3/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-67, E-72, G-55, M-62. PAFSC: 30452 - Meterological Navigation Systems Specialist. DAS: 12 Jun 90.

b. Prior Sv: (1) AFRes 26 Jul 88 - 20 Sep 89 (1 yr 1 month 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Sep 89 for 6 yrs. Svd: 03 Yrs 03 Mo 25 Das, all AMS.

b. Grade Status: SrA - 4 Mar 92
A1C - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: None.

g. Record of SV: 21 Sep 89 - 29 Jul 91 Wurtsmith AFB 5 (Initial)
30 Jul 91 - 29 Jul 92 Wurtsmith AFB 5 (Annual)

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

i. Stmt of Sv: TMS: (04) Yrs (05) Mos (20) Das
TAMS: (03) Yrs (03) Mos (25) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 05 Sep 06.
(Change Discharge to General)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 52 months of service with no other adverse action.

FD2006-00356

ATCH
None.

16OCT06/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 379TH BOMB WING (ACC)
WURTSMITH AIR FORCE BASE, MICHIGAN

FD 7006-00 356

FROM: 379 CS/CC

30 Dec 92

SUBJ: Request for Discharge in Lieu of Trial by Court-Martial - SrA [REDACTED]

TO: CC

1. I recommend that the attached request for discharge be approved for the following reasons:

a. SrA [REDACTED] misconduct with the 15 year old daughter of another Air Force member is too serious to justify his continued service in the Air Force. His actions seriously call into question his judgement, and are prejudicial to the maintenance of good order and discipline.

b. The victim and her mother have expressed their desire that they be spared any further involvement with the government's judicial system. They have requested that SrA [REDACTED] be dealt with in some manner other than court-martial. The victim was just involved with a General Court-Martial, US v Pierce, where she was the primary victim of several years of child sexual abuse by her father.

c. Acceptance of SrA [REDACTED] request for discharge in lieu of court-martial would serve the interests of the victim and the Air Force.

2. If this request for discharge is approved, I recommend that SrA [REDACTED] be furnished an under other than honorable conditions discharge. SrA [REDACTED] has not received any promise that he would not get the worst authorized discharge if his discharge is approved.

3. SrA [REDACTED]

a. Is not under investigation.

b. Is not awaiting action under AFR 39-30, AFR 35-4, or another section of this regulation.

c. Is not awaiting result of trial.

d. Is not absent without authority.

e. Is not absent in hands of civil authorities.

f. Has not been referred to a medical facility for examination.

g. Is not in default with respect to public property or public funds.

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- h. Has not completed 16 or more years of active military service.
- i. Is not accountable or responsible for public property or funds.
- 4. There has not been a report of recent misconduct.
- 5. Court-martial charges have been preferred. Attached are:
 - a. A copy of the charges, DD Form 458, Charge Sheet.
 - b. Other information or evidence pertinent to the case: OSI/SP Investigation.
- 6. At the time of the misconduct, the airman did not have a mental disease or defect that caused him to lack the substantial capacity either to appreciate the criminality (wrongfulness) of the acts, or to conform to the law (AFR 160-42). The airman presently has the capacity to understand the nature of the proceedings and to assist in the defense.
- 7. SrA [redacted] does not hold a Reserve of the Air Force appointment as a commissioned or warrant officer.
- 8. Other information:
 - a. Date and term of enlistment: 21 Sep 89, 6 years
Date this period of continuous active duty started: 21 Sep 89
Paydate: 21 Sep 89
TAFMSD: 21 Sep 89
Dates of prior service: None
 - b. Date of birth: 18 Apr 71
 - c. Test scores: Admin - 67, Elect - 72, Gen - 55, Mech - 62
 - d. Formal training: None
 - e. Date assigned unit: 12 Jun 90
 - f. Current grade and effective date: SrA, 4 Mar 92
 - g. Demotions: None. Member had not engaged in any misconduct prior to this incident that would warrant demotion action.
 - h. Time lost: None
 - i. Record of disciplinary actions: None
 - j. Overall ratings on enlisted performance reports: 5 - 29 Jul 91, 5 - 29 Jul 92.

k. Favorable communications, citations, or awards: Air Force Good Conduct Medal, Air Force Outstanding Unit Award, National Defense Service Medal, and the Air Force Training Ribbon.

l. Derogatory data: None

m. Medical or other data meriting consideration: None

P.
[Redacted signature box]

Commander

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1. AF Form 458

2. OSI Investigation