

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>	
TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW	
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBER SITTING <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>			VOTE OF THE BOARD		
			HON	GEN	UOTHC
			OTHER	DENY	
					X
					X
					X
					X
					X
ISSUES A94.05		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 HE
HEARING DATE 13 Mar 2007		CASE NUMBER FD-2006-00380			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
<p>Case heard in Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <div style="border: 1px dashed black; height: 30px; width: 100%; margin-top: 20px;"></div>					
INDORSEMENT			DATE: 3/21/2007		
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

CASE NUMBER

FD-2006-00380

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 contends discharge was inequitable because it was too harsh and based on an isolated incident after over 11 years of honorable service. The records indicated the applicant received an Article 15 for misconduct. The Article 15 was for developing a personal relationship with and accepting sexual favors from an Airman First Class trainee, within the same training organization. He was punished with a reduction in grade to Senior Airman and suspended forfeiture of pay for two months. 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.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

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 SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Keesler AFB, MS on 24 Apr 98 UP AFI 36-3208, para 3208, para 5.50.2 (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 12 Nov 67. Enlmt Age: 18 7/12. Disch Age: 30 5/12. Educ: HS DIPL. AFQT: N/A. A-87, E-85, G-90, M-68. PAFSC: 1W051A - Weather Forecaster Journeyman. DAS: 8 Nov 97.

b. Prior Sv: (1) AFRes 19 Jun 86 - 15 Dec 86 (5 months 27 days) (Inactive).

(2) Enlisted as AB 16 Dec 86 for 6 years. Extended 8 Jun 89 for 1 month. Reenlisted as SrA 10 Mar 92 for 4 years. Extended 18 Mar 94 for 1 month. A1C - 3 Feb 87. SrA - Unknown. SSgt - 1 May 93. APRs: 9,9. EPRs: 4,4,5,4,5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 2 Feb 96 for 6 years. Svd: 02 Yrs 02 Mo 23 Das, all AMS.

b. Grade Status: SrA - 20 Mar 98 (Article 15, 20 Mar 98)

c. Time Lost: None.

d. Art 15's: (1) 20 Mar 98, Keesler AFB, MS - Article 92. You did, between on or about 1 Jan 98 and on or about 11 Mar 98, violate a lawful general regulation, to wit: paragraph 4.1 AETCR 30-4, dated 20 Jan 92, by wrongfully developing a personal relationship with and accepting sexual favors from A1C [REDACTED], a trainee within the same training organization. Reduced to SrA. Suspended forfeiture of \$716.00 pay per month for 2 months. (No appeal) (No mitigation)

e. Additional: None.

f. CM: None.

g. Record of SV: 07 Apr 95 - 06 Apr 96 McGuire AFB 5 (Annual)
07 Apr 96 - 06 Apr 97 McGuire AFB 5 (Annual)
07 Apr 97 - 02 Oct 97 McGuire AFB 5 (CRO)

h. Awards & Decs: AAM, AFAM W/2 OLC, AFCEM, ACM, AFLSA W/1 OLC, AFTR,

SWASM, AFOSLTR, NDSM, HSM, BMTHGR, SAEMR, NCOPMER, AFEM, NATOM, AFOUA W/2 OLC, JMUA, AFOEA, AFGCM W/2 OLC.

i. Stmt of Sv: TMS: (11) Yrs (10) Mos (06) Das
TAMS: (11) Yrs (04) Mos (09) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 14 Sep 06.
(Change Discharge to Honorable)

Issue 1: My discharge was based on an isolated incident after 11 years and 4 months of honorable service with no other incidents on my records.

ATCH

None.

24Oct06/day



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MAR 14 1998

MEMORANDUM FOR SrA: []

FROM: 334 TRS/CC

SUBJECT: Notification Memorandum—Board Hearing

1. I am recommending your discharge from the United States Air Force according to AFD 36-22 and AFI 36-3208 for Conduct Prejudicial to Good Order and Discipline under the provisions of Chapter 5, Section H, Paragraph 5.50.2. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. My reasons for this action are: Between on or about 1 Jan 98 and on or about 11 Mar 98 you did violate a lawful general regulation, AETC 30-4 and you were given an Article 15 for violation of Art 92 of the UCMJ in that you wrongfully developed a personal relationship with and accepted sexual favors from a female student. (Atch 1, Appendix A)

3. This action could result in your separation with an under other than honorable conditions. I am recommending that you receive a general discharge. The commander, 81st Training Group or higher authority will decide whether you 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 subjected 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 of your rights.

5. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult SSG at Bldg 0701, Room 124, on SSG at SSG hours. 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.

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 must report to Physical Exams with your medical records **10 Apr 98 at 0700** for a medical examination.

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 Bldg 4202, Rm 127.

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



Commander

Appendices:
AF FORM 3070, dtd 20 Mar 98
