

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02433

AUG 21 1998

COUNSEL: RONALD P. KELLER

HEARING DESIRED: YES

[REDACTED]

Applicant requests that the Dropped from the Rolls (DFR) action be rescinded and he be retired in the grade of lieutenant colonel. Applicant's submission is at Exhibit A.

The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Douglas J. Heady, Mr. Joseph G. Diamond, and Mr. Henry Romo, Jr. considered this application on 11 Aug 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.



DOUGLAS J. HEADY  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. SAF/MIBR Ltr Forwarding Advisory Opinions



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

MEMORANDUM FOR DPPRR  
AFPC/JA  
AFBCMR  
IN TURN

APR 16 1998

FROM: HQ AFPC/DPPRS  
550 C Street West Ste 11  
Randolph AFB TX 78150-4713

J . Applicant for Active Military Records [REDACTED]

The applicant, while serving in the grade of lieutenant colonel, was dropped from the rolls (DFR) of the United States Air Force as a regular commissioned officer effective **24 Feb 97** in accordance with AFI **36-3207** (by direction of the President). He had served on active duty for over **22** years.

Requested Action. The applicant is requesting that his DFR action be rescinded and that he be allowed to retire as a Lieutenant Colonel.

Basis for Request. Applicant alleges several errors regarding the processing of his DFR action. We defer to AFPC/DPPRR for discussion of the retirement issues. This advisory will address only the DFR action in the case.

Facts. By authority of USC **10**, Section **1161**, the President directed applicant be dropped from the rolls effective **27 Feb 97**, as a result of his plea of guilty to two counts Gross Sexual Imposition with a Person Under **13**; one count of Attempted Rape with a Person Under **13**; and two counts of Sexual Battery. Applicant was sentenced to a minimum of between seven years and a maximum of fifteen years confinement. After serving seven months, the applicant was paroled under a "super shock" probation program.

Discussion. Action to drop the applicant from the rolls of the Air Force was properly initiated by the commander exercising general court-martial jurisdiction over the officer. The commander had an option to either initiate administrative discharge action against the officer or recommend he be dropped from the rolls of the Air Force. Applicant, being service retirement eligible, submitted an application for retirement in lieu of administrative action, and the case was processed as a dual action case through channels to the Air Force Personnel Council. On **24 Feb 97**, the Secretary of the Air Force ordered, that by direction of the President, applicant be dropped from the rolls of the Air Force. The action complied with directives in effect at the time it was taken. The case has been reviewed for processing and there are no errors or irregularities causing an injustice to the applicant. From documents present in applicant's master personnel record, it is apparent that a legal review of all actions was conducted and his case was found to be legally sufficient prior to it being forwarded for a decision. Further, the issues raised in **this** application were all raised in some form during the processing of the original actions, and were discussed in the legal reviews at that time. There are no new issues raised in this current application.

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Recommendation. Denial. Due to the fact the applicant had more than 20 years active service, the action to DFR was processed as a "dual action" case so that consideration of his request to be retained would be made at the time that the decision pertaining to DFR was made. He has filed a timely request.



  
DAVID E. EDWARDS, Lt Col, USAF  
Chief, Separations Branch  
Dir, Personnel Programs Management

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