

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

AUG 14 1998

IN THE MATTER OF:

DOCKET NO: 98-00879

[REDACTED]
COUNSEL: None

[REDACTED]
HEARING DESIRED: Yes

Applicant requests his reenlistment eligibility (RE) code be changed. Applicant's submission is at Exhibit A.

On December 4, 1997, the Air Force Discharge Review Board (AFDRB) denied applicant's request to upgrade his discharge and change the reason for discharge. The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The AFDRB Brief and advisory opinion were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

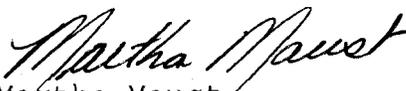
After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the AFDRB Brief advisory opinion appear to be based on the evidence of record and have not been rebutted 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 issue(s) 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 Ms. Martha Maust, Mr. Richard A. Peterson and Mr. Patrick R. Wheeler considered this application 4 August 1998 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


Martha Maust
Panel Chair

Exhibits:

- A. Applicant's DD Form 149 .
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion

9800879



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 366TH WING (ACC)
MOUNTAIN HOME AIR FORCE BASE, IDAHO

30 JUL 1996

MEMORANDUM FOR AIC [REDACTED] [REDACTED] CS

FROM: 726 ACS/CC

SUBJECT: Notification Memorandum

I am recommending your discharge from the United States Air Force for a pattern of misconduct, specifically, discreditable involvement with military or civil authorities. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.50.1. If my recommendation is approved, your service will be characterized as under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

My reasons for this action are:

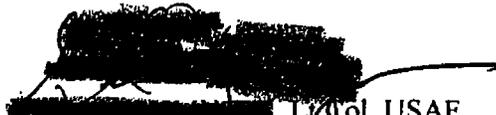
a. On or about 4 June 1996, you did, with intent to deceive, make to Staff Sergeant [REDACTED], a false official statement stating that while you were on quarters 13 May 1996 at 1800 hours you had gone to the [REDACTED] Dining Facility for dinner, which statement was then known by you to be false. Also, on divers occasions from on or about 1 January 1996 to on or about 22 May 1996, at or near [REDACTED] you committed sodomy and wrongfully had sexual intercourse with a married woman who was not your wife. As a result of this inisconduct, you received nonjudicial punishment under Article 15, UCMJ on 17 July 1996. (Atch 1).

b. On or about 15 May 1996, you were derelict in the performance of your duties by failing to complete a task. Specifically, you failed to put the April TDY orders in the April TDY folder. On 13 May 1996, you violated a quarters restriction. As a result of this misconduct, you received a letter of reprimand (LOR) on 4 June 1996 (Atch 2).

c. On or about 14 May 1996, you failed to go to your appointed place of duty. Additionally, you were derelict in the performance of your duties in that you failed to pick up messages as you were asked to do. As a result of this misconduct, you received an LOR on 14 May 1996. (Atch 3).

d. On 22 April 1996, you failed to bring in your CDCs to your supervisor as you were asked to do. As a result of this misconduct, you received an LOR on 23 April 1996. (Atch 4).

Execute the attached acknowledgment and return it to me immediately.


_____, Lt Col, USAF
Commander, 720th Air Control Squadron

Attachments:

1. AF Form 3070, 17 Jul 96
2. LOR, 4 Jun 96
3. LOR, 14 May 96
4. LOC, 23 Apr 96
5. LOR, 30 Oct 95
6. LOC, 16 Oct 95

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