

LA: Respondent, Respondent's Counsel, will you please rise and face the board? Sir, will you please read the Findings Recommendation to the Respondent?

PRES: Just read it verbatim?

LA: Yes sir.

PRES: Findings Recommendations. This board, after carefully considering all the evidence in this case, has in closed session by secret written ballot a majority of the voting members concurring, made the following Findings and Recommendations:

Findings:

The Respondent, Master Sergeant Jeremy M. Zier, AFPAA; allegation was on 13 August 2020, in a Special Court-Martial consisting of officer members, found guilty of Abusive Sexual Contact in violation of Article 120, Uniform Code of Military Justice. The finding in the allegation does form a basis for discharge under AFI 36-3208, paragraph 5.55, Sexual Assault. The conduct surrounding and including the sexual is a departure from the member's usual and customary behavior. The conduct surrounding and including the sexual assault is not under all circumstances likely to recur. The sexual assault did not involve the penetration, however slight, of the vulva or anus or mouth of another body -- or mouth of another by any part of the body or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. The sexual assault was not committed by using force likely to cause death or grievous bodily harm to any person, threatening or placing the other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping, first rendering the other person unconscious, or administering to the other person by force or threat of force, or without the knowledge or consent of the person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of the other person to appraise or control conduct. The sexual assault was not the result of an abuse of rank,

grade, authority or position. Under the particular circumstances of this case, the member's continued presence in the Air Force is consistent with the Air Force in maintaining good proper discipline, good order, leadership and morale.

Recommendations:

Despite the Respondent's conviction of a sexual assault, he meets all 6 retention criteria set out in the AFI 36-3208, paragraph 5.55.3.2, as we noted in our findings. The Respondent should therefore be retained in the United States Air Force.

LA: Thank you, sir. If you'd like to leave that we will gather it. This board is adjourned [inaudible]. Thank you very much for your service and for your time. You guys are dismissed.

[The board closed at 1529, on 10 December 2020]

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