

GEN		X PERSONAL APPEARANCE		RECORD REVIEW					
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES	NO								
	X								
MEMBERS SITTING [REDACTED]				VOICE OF THE BOARD					
				HON	GEN	UOTHC	OTHER	DENY	
									X+
									X+
						X**			
						X**			
ISSUES A94.05, A92.15, A92.19, A01.43		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD					
HEARING DATE 02-10-03		CASE NUMBER FD2002-0035		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 HEARING				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE									
REMARKS									
<p>* Change Reason and Authority to Secretarial Authority. + Change Reenlistment Code</p> <p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board, and the right to submit an application to the AFBCMR.</p>									
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT					
[REDACTED]				[REDACTED]					
INDORSEMENT				DATE: 02-10-03					
TO: SAF/MIBR 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. 3 RD FLOOR ANDREWS AFB, MD 20762-7002					

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0035

GENERAL: The applicant appeals for upgrade of discharge to Honorable, and to change his reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB, MD on October 3, 2002.

The following additional exhibits were submitted at the hearing:

Exhibits 6, 7, 8: Character Reference Letters

Exhibit 9: CDC End of Course Certificate

Exhibit 10: NCO Prep Course DG Certificate

Exhibit 11: Letter of Appreciation

Exhibit 12: American River College Associate's Degree

Exhibit 13: Governor's State University Bachelor's Degree

Exhibit 14: Unofficial Listing of College Courses and Grades

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants partial relief. Upgrade of discharge is denied.
Change of reenlistment code is granted.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify an upgrade of discharge. However, based on applicant's testimony, the Board finds merit to changing applicant's reenlistment code.

Issues. Applicant received an under honorable conditions (General) discharge for minor disciplinary infractions. According to his Enlisted Performance Reports (EPRs), he had at least two Letters of Reprimand, had been verbally counseled, was removed from his primary duties twice, and was placed on the Control Roster. One of those EPRs was rated an overall "2" referral. Member's misconduct apparently included insubordination, failure to follow orders, GOV abuse, and conduct unbecoming a noncommissioned officer. At the time of the discharge, member was entitled to an administrative discharge board based on his length of service and recalls being notified of such and waiving it, and agreeing to accept a general discharge because he was ready to be separated from the Air Force. Applicant now contends the discharge was too harsh and noted his otherwise satisfactory service, prior period of honorable service, and good post-service conduct. Since the discharge documents are not available, and lacking evidence from the applicant to the contrary, the Board relied on the presumption of regularity and finds the discharge proper. Neither the record review nor applicant's testimony convinced the Board there were mitigating or extenuating circumstances, nor any impropriety or inequity to override said presumption of regularity. Neither the record or applicant's testimony offered a basis to substantiate an upgrade.

The Board did however feel that based on applicant's otherwise satisfactory military service during his previous enlistment, and before his final year of service, and in view of his post-service accomplishments, he could once again be a potential asset to a military organization, and therefore agreed to change his reenlistment code to allow him reentry at this time.

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/change of reason for 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

MISSING DOCUMENTS

(Former SGT) (HGH SGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 93/08/02 UP AFR 39-10, para 5-47b (Pattern of Misconduct - Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. BACKGROUND:

a. DOB: 67/06/11. Enlmt Age: 17 5/12. Disch Age: 26 1/12. Educ:HS DIPL. AFQT: N/A. A-74, E-93, G-88, M-95. PAFSC: 00104 - Systems Repair Technician. DAS: (APR Indicates): 85/08/21-86/08/26.

b. Prior Sv: (1) AFRes 84/11/29 - 85/08/26 (8 months 22 days)(Inactive).

(2) Enlisted as AB 85/08/21 for 4 yrs. Extended 89/02/06 for 23 months. Svd: 5 yrs 8 months 24 days, all AMS. AMN-(APR Indicates): 85/08/21-86/08/26. A1C0(APR Indicates): 86/08/27-87/08/26. SRA - 88/08/21. SGT - 88/08/21. APRs: 9,9,9,9. EPRs: 4.

3. SERVICE UNDER REVIEW:

a. Reenlisted as SGT 91/05/15 for 6 yrs. Svd: 02 Yrs 02 Mo 18 Das, all AMS.

b. Grade Status: none.

c. Time Lost: none.

d. Art 15's: (1) none.
(No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: none.

g. Record of SV:	90/05/19 - 91/05/18	McClellan AFB	4	(Annual)
	91/05/19 - 92/05/18	McClellan AFB	5	(Annual)
	92/05/19 - 92/12/20	McClellan AFB	3	(Cmdr Dir)
	92/12/21 - 93/06/19	McClellan AFB	2	(Cmdr Dir) REF

(Discharged from McClellan AFB)

h. Awards & Decs: AFAM, AFOUA W/1 DEV, NDSM, AFLSAR, NCOPMER, AFTR.

i. Stmt of Sv: TMS: (08) Yrs (08) Mos (04) Das

EX-11

TAMS: (07) Yrs (11) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/01/12.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH
none.

02/05/08/ia