

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>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53	INDEX NUMBER A61.00	EXHIBITS SUBMITTED TO THE BOARD <table style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE IF</td></tr> </table>	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 IF
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HEARING DATE 30 Jan 2007	CASE NUMBER FD-2005-00046	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in Washington, D.C.

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

Names and votes will be made available to the applicant at the applicant's request.

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
INDORSEMENT	DATE: 2/7/2007

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00046

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Applicant requested an upgrade of his discharge to be eligible for veteran's benefits. The records indicated the applicant received a General discharge from the Hawaii Air National Guard due to a civilian conviction. Unfortunately, applicant's discharge processing files were missing from the record and unavailable for the Board to review. Because applicant's discharge file was unavailable, the Board was unable to conclusively ascertain the nature of misconduct on applicant's part that formed the basis for the discharge. The Board also could not determine if applicant consulted counsel or submitted statements in his own behalf at the time of discharge. When requested to provide any pertinent information he may have about the discharge file or his record of service, applicant did not provide a response. Since there was no evidence to substantiate any inequities or improprieties, the Board relies on the presumption of regularity and finds the discharge proper and without basis for upgrade.

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 SRA)

MISSING DISCHARGE PACKAGE

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr ANG Hickam AFB, HI on 12 Dec 02 UP AFI 36-3209, para 3.21.4 (Misconduct - Civilian Conviction). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 2 May 68. Enlmt Age: 17 5/12. Disch Age: 34 7/12. Educ: HS DIPL. AFQT: N/A. A-92, E-92, G-82, M-94. PAFSC: 2A651B - Aerospace Propulsion Journeyman. DAS: 5 Sep 97.

b. Prior Sv: (1) Army Res 04 Oct 85 - 17 Jul 86 (9 mos 14 das)(Inactive).

(2) Enlisted in Army 18 Jul 86 - 03 Mar 88. Reenlisted Army 04 Mar 88 - 26 Jul 90. Reenlisted Army 27 Jul 90 - 26 Jul 92. Svd: 6 years 00 months 09 days, all AMS. Transferred to US Army Reserve on 27 Jul 92. Svd: 4 yrs 5 months 6 days, of which AMS is 3 months 15 days.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as SrA in ANG on 3 Jan 97 for 3 years. Extended 19 Sep 97 for 44 months and 6 days Svd: 05 Yrs 11 Mo 10 Das, of which AMS is 3 months 25 days.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: Unknown.

e. Additional: Unknown.

f. CM: None.

g. Record of SV: Unknown.

h. Awards & Decs: AFTR, AFOUA, AFLSA W/2 OAK LEAF CLUSTERS, NDSM, GCMDL ARMY W/1 DEV, ACM, AAM W/1 DEV, ARMY NCOPDR, ASR, AOSSR W/1 DEV.

i. Stmt of Sv: TMS: (16) Yrs (04) Mos (25) Das

TAMS: (06) Yrs (07) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Jan 05.

(Change Discharge to Honorable.)

Issue 1: To upgrade veteran's benefits. (Medical)

ATCH
None.

25May06/day