

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AB

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

X

MEMBER SITTING

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

X

X

X

X

ISSUES

A94.05

INDEX NUMBER

A69.00

EXHIBITS SUBMITTED TO THE BOARD

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 HE

HEARING DATE

08 Mar 2007

CASE NUMBER

FD-2006-00273

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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.

X- Upgrade of Discharge and Change of Reenlistment Code are Denied

INDORSEMENT

DATE: 3/8/2007

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

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE****FD-2006-00273**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reenlistment code.

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 and change of reenlistment code are 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.

**ISSUES:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for misconduct. The misconduct included theft of a compact disc car stereo. The applicant also failed the alcohol rehabilitation program. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The applicant stated he was told he would be eligible to reenlist in six months. The DRB noted the issue was common, the result of miscommunication. The applicant would only be eligible for reenlistment if his discharge was upgraded and his reenlistment code was changed. While a discharge may be upgraded it is by no means automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

**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 AB) (HGH A1C)

DISCHARGE PACKAGE MISSING

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Hanscom AFB, MA on 24 Dec 03 UP AFI 36-3208, para 5.32 (Alcohol Rehabilitation Failure). Appeals for Honorable Discharge and to Change the RE Code.

2. **BACKGROUND:**

a. DOB: 2 May 84. Enlmt Age: 17 0/12. Disch Age: 20 7/12. Educ: HS DIPL. AFQT: N/A. A-84, E-76, G-74, M-82. PAFSC: 3E731 - Fire Protection Apprentice. DAS: 20 Dec 02.

b. Prior Sv: (1) AFRes 11 May 01 - 17 Jun 02 (1 yr 1 month 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 Jun 02 for 4 yrs. Svd: 01 Yrs 06 Mo 07 Das, all AMS.

b. Grade Status: AB - 13 Nov 03 (Article 15, 13 Nov 03)  
A1C - 18 Oct 03  
Amn - 18 Dec 02

c. Time Lost: None.

d. Art 15's: (1) 13 Nov 03, Aviano AB, Italy - Article 121. You, did, at or near Aviano AB, Italy on or about 29 Jul 03, steal a Kenwood compact disc car stereo, of a value of about \$380.00, the property of A1C [REDACTED]. Reduction to AB. Restriction to the limits of Aviano AB, Italy for 30 days, 15 days extra duty, and a reprimand. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NATOM, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (07) Mos (14) Das  
TAMS: (01) Yrs (06) Mos (07) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 17 Jun 06.  
(Change Discharge to Honorable, and Change the RE Code)

Issue 1: The code 2B does not allow me to re-enlist upon seperation (sic). I was informed that after six months I would be eligable (sic) to reenlist. I wish to enlist in the Army and serve my country.

**ATCH**

1. Congressional Correspondence.

13OCT06/ia