

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 20px;"></div>			GRADE SRA		AFSN/SSAN <div style="background-color: black; width: 100px; height: 20px;"></div>	
TYPE GEN	PERSONAL APPEARANCE			X	RECORD REVIEW	
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
<div style="background-color: black; width: 40px; height: 20px;"></div> X						
MEMBER SITTING				VOTE OF THE BOARD		
				HON	GEN	UOTHC
ISSUES A94.53		INDEX NUMBER A67.30		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 HEARING		
HEARING DATE 30 Jun 2009		CASE NUMBER FD-2008-00166				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.						
<p>Case heard in Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>						
SIGNATURE OF RECORDER <div style="background-color: black; width: 400px; height: 30px;"></div>				SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 250px; height: 30px;"></div>		
INDORSEMENT				DATE: 7/7/2009		
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 20762-7001		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE	CASE NUMBER FD-2008-00166
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE:</p> <p>The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. However, the Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of the discharge. The record indicates the applicant received a general court-martial conviction for wrongful appropriation of government computers, among other offenses. The serious nature of the offenses for which the applicant was court-martialed offset any positive aspects of the applicant's duty performance. The Board concluded the characterization of the applicant's discharge was appropriate.</p> <p>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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	