

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; height: 20px; width: 100%;"></div>		GRADE A1C	AFSN/SSAN <div style="background-color: black; height: 20px; width: 100%;"></div>						
TYPE	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION 	
COUNSEL									
YES	No								
	X								
		ADDRESS AND OR ORGANIZATION OF COUNSEL							
MEMBER SITTING		VOTE OF THE BOARD							
		HON	GEN						
		UOTHC	OTHER						
			DENY						
<div style="background-color: black; height: 100px; width: 100%;"></div>			X						
			X						
			X						
			X						
			X						
ISSUES A95.00 A92.21 A01.00		INDEX NUMBER A67.90							
		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-2008-00181							
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> <p>X=Change of Reason and Authority and Reenlistment Code</p>									
SIGNATURE OF RECORDER <div style="background-color: black; height: 30px; width: 100%;"></div>		SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; height: 30px; width: 100%;"></div>							
INDORSEMENT		DATE: 8/11/2009							
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

FD-2008-00181

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, 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, change of reason and authority for 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.

ISSUE:

Issue 1. The applicant submitted no issues contesting the equity or propriety of his discharge. The Board reviewed the entire record and was unable to identify any inequities or improprieties that would justify a change of discharge. The applicant did submit to have his discharge upgraded so that he may be eligible to reenlist into the armed forces. The records indicated the applicant received an Article 15 and a Letter of Reprimand for misconduct. His misconduct consisted of pushing another airman against a wall with his hands and committed an assault by brandishing at him a dangerous weapon (3.5 inch bladed knife), being drunk and disorderly, driving while intoxicated and failure to salute a Commanding Officer. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The DRB was pleased to see that the applicant was doing well, attending Alcohol Anonymous and attending church. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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