

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSN/SSAN	
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	UOTH	OTHER
							X
							X
							X
							X
							X
ISSUES		INDEX NUMBER		EXHIBITS SUBMITTED TO THE BOARD			
A92.35		A67.30		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		CASE NUMBER					
23 Jun 2009		FD-2008-00192					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.							
<p>The applicant requested a personal appearance before the Discharge Review Board (DRB) and was scheduled for an appearance on 23 June 2009 at Andrews AFB, Maryland, but he did not keep the appointment or call to reschedule. Therefore, his request for upgrade was reviewed based upon the record and his submission.</p> <p>Advise applicant of the decision of the Board 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				SIGNATURE OF BOARD PRESIDENT			
INDORSEMENT				DATE: 6/25/2009			
TO:				FROM:			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				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-2008-00192

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was scheduled for a personal appearance before the Discharge Review Board at Andrews Air Force Base, Maryland on 23 Jun 2009, but failed to appear or notify the board.

The following additional exhibits were submitted at the hearing:

Exhibit #1: Applicant's Contentions

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE:

Applicant contends discharge was inequitable because it was based solely on one isolated incident. He contended that other than the one Article 15 for using his government credit card for unofficial purposes, he had "no other incidents, no LORs, or Article 15s." The records indicate the applicant received an Article 15 and one Letter of Reprimand.

The evidence indicates the applicant made numerous unauthorized charges on his government credit prior to beginning his TDY. The applicant submitted additional evidence to substantiate the inequity of his discharge, which showed that he claimed reimbursement for gas in the amounts of \$455, \$629, \$291 and \$310 for 30-day periods of time—amounts that are in excess of what he would have been authorized for official travel. In addition, one of the rental car receipts shows that the applicant not only upgraded his rental car, charging the government \$380, but put 6,747 miles on the rental car between 13 November 2005 and 20 December 2005.

In addition, the applicant received an LOR for test driving a Honda, informing the sales person that he would return the car at 1730 that evening. He failed to return the car until 2 days later with the sticker removed and 268 additional miles on the odometer.

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.

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