

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE AMN		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	UOTHC	OTHER	DENY
									X
									X
									X
									X
									X
ISSUES A92.35		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 07 Jul 2009		CASE NUMBER FD-2008-00217							
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					SIGNATURE OF BOARD PRESIDENT				
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-2008-00217
<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 following additional exhibits were submitted at the hearing:</p> <ul style="list-style-type: none"> Exhibit #1: Applicant's Contentions Exhibit #2: Letter from Exhibit #3: Letter from : <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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.</p> <p>ISSUE:</p> <p>Applicant contends the discharge was inequitable because the infractions were minor isolated incidents and the misconduct was only brought into question during the last five months of his service. The applicant was discharged for a pattern of misconduct, conduct prejudicial to good order and discipline, with a general, under honorable conditions discharge. The records indicated the applicant received two Article 15s and a Letter of Reprimand (LOR) during a five month period. The applicant received an LOR for an off-base DUI, which resulted in a civilian conviction. He then received an Article 15 for violating a lawful order issued by , revocation of driving privileges, by wrongfully driving on Minot AFB. He received his second Article 15 a month later for making a false official statement to a Master Sergeant and for failing to go to a scheduled appointment. The applicant was sent to in-patient treatment for alcohol dependence after his DUI. He did not respond to his subsequent administrative discharge. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior and although the misconduct spanned a five-month period, 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.</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>	