

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

|  |           |  |  |   |     |                      |       |
|--|-----------|--|--|---|-----|----------------------|-------|
| <b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>   |           |  |  | <b>GRADE</b><br><br>A1C   |     | <b>AFSN/SSAN</b>     |       |
| <b>TYPE</b><br>GEN   |           | <b>PERSONAL APPEARANCE</b>                 |  | <b>X</b>  |     | <b>RECORD REVIEW</b> |       |
| <b>COUNSEL</b>   |           | <b>NAME OF COUNSEL AND OR ORGANIZATION</b> |  | <b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>   |     |                      |       |
| <b>YES</b>   | <b>No</b> |  |  |   |     |                      |       |
|  | <b>X</b>  |  |  |   |     |                      |       |
| <b>MEMBER SITTING</b>  |           |  |  | <b>VOTE OF THE BOARD</b>  |     |                      |       |
|  |           |  |  | HON   | GEN | UOTHC                | OTHER |
|  |           |  |  |   |     |                      | X     |
|  |           |  |  |   |     |                      | X     |
|  |           |  |  |   |     |                      | X     |
|  |           |  |  |   |     |                      | X     |
|  |           |  |  |   |     |                      | X     |
| <b>ISSUES</b><br>A94.53  |           | <b>INDEX NUMBER</b><br>A67.30              |  | <b>EXHIBITS SUBMITTED TO THE BOARD</b>  |     |                      |       |
|  |           |  |  | 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  |     |                      |       |
| <b>HEARING DATE</b><br>01 Jul 2009   |           | <b>CASE NUMBER</b><br>FD-2008-00225        |  | TAPE RECORDING OF PERSONAL APPEARANCE HEARING   |     |                      |       |
|  |           |  |  |   |     |                      |       |
| 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 - Upgrade, Reason for Discharge and Reenlistment Code</p> |           |  |  |   |     |                      |       |
| <b>SIGNATURE OF RECORDER</b>   |           |  |  | <b>SIGNATURE OF BOARD PRESIDENT</b>   |     |                      |       |
| <b>INDORSEMENT</b>   |           |  |  | <b>DATE: 7/14/2009</b>  |     |                      |       |
| <b>TO:</b><br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742   |           |  |  | <b>FROM:</b><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7001 |     |                      |       |

## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2008-00225

**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:**

Applicant submitted no issues and requested that the review be completed based on the available service record. The applicant does submit that he believes he deserves a second chance and would like to reenlist as he would eventually like to become an officer. The applicant was discharged for commission of a serious offense based on evidence that his infant daughter, who had been born prematurely, suffered serious abuse while in the care of the applicant and his wife. The letter of reprimand received by the applicant noted that the applicant had either caused the injuries or failed to get medical attention for the baby, who was obviously in distress. 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 Board found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the characterization, reason for discharge and the reenlistment code appropriate for the reasons which were the basis for this case.

**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