

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)	GRADE AMN	AFSN/SSAN
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TYPE	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No	NAME OF COUNSEL AND OR ORGANIZATION	
	X		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.53 A93.01	INDEX NUMBER A64.00	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 02 Jul 2009	CASE NUMBER FD-2008-00299	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.

Case heard in Washington, D.C.

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.

Names and votes will be made available to the applicant at the applicant's request.

X = Upgrade, Reason for Discharge and Reenlistment Code

SIGNATURE OF RECORDER 	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 7/15/2009
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-2008-00299

GENERAL: The applicant appeals for an upgrade of his charge, characterized as General/Under Honorable Conditions, to an Honorable Discharge.

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 to the reason for discharge and change to the reenlistment code.

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

ISSUES:

The applicant submits no issues contending the inequity or impropriety of his discharge. He states since his discharge he has matured in age and would like his discharge upgrade so he can reenter military service. The record indicates that applicant received a Record on Individual Counseling, Letter of Reprimand and an Article 15. The applicant's disciplinary infractions are centered on two incidents of his willful alcohol intoxication, specifically: driving while drunk, underage drinking, failure to go and entering a vehicle with intent to commit theft/criminal trespass/obstruction of a law enforcement officer/interference with government property/underage driving under the influence and reckless driving. Applicant was arrested twice by civil authorities for these two incidents--the same ones leading to his discharge from the Air Force. After thorough review of the records, the Board did consider the applicant's duty history outside of his alcohol-related incidents and arrest record. It is noteworthy that he volunteered for the physically demanding TACP AFSC and achieved excellence at Basic Training, earning Distinguished Graduate honors, and at TACP School, he excelled again. However, the applicant had ample opportunity to modify his behavior, particularly after receipt of his first Letter of Reprimand, but chose not to do so. This willful misconduct offset any positive aspects of the applicant's duty history and performance and the Board concluded that the discharge and reason for discharge were 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