

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		A94.53		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		CASE NUMBER					
29 Jul 2009		FD-2008-00340					
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			
(
INDORSEMENT				DATE: 7/29/2009			
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-2008-00340

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

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 is 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 review was completed based on the available service record. The applicant states on his DD Form 293, medical and educational benefits. After review of the record, was unable to find any evidence of impropriety or inequity in this case on which to base an upgrade of the discharge. The record indicates the applicant received two (2) Article 15s and two (2) letters of reprimand. His misconduct included failure to go, failure to obey an order or regulation, failing to adhere to trainee responsibilities and absence without leave. The Board found the applicant's misconduct willful and that through these administrative actions, the applicant had ample opportunities to change his behavior. The Board concluded the discharge characterization was 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