

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b>				<b>GRADE</b>  A1C		<b>AFSN/SSAN</b>	
<b>TYPE GEN</b>		<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>The American Legion</b>					
<b>MEMBER SITTING</b>				<b>VOTE OF THE BOARD</b>			
				HON	GEN	UOTHC	OTHER
							X*+
							X*+
							X*+
							X*+
							X*+
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>			
<b>A94.05</b>		<b>A67.10</b>		<b>1</b>			
				<b>2</b>			
				<b>3</b>			
				<b>4</b>			
				<b>COUNSEL'S RELEASE TO THE BOARD</b>			
				<b>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</b>			
				<b>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</b>			
<b>HEARING DATE</b>		<b>CASE NUMBER</b>					
<b>18 Jun 2009</b>		<b>FD-2007-00471</b>					
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>							
<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>*Reason and Authority</p> <p>+Reenlistment Code</p>							
<b>SIGNATURE OF RECORDER</b>				<b>SIGNATURE OF BOARD PRESIDENT</b>			
<b>INDORSEMENT</b>				<b>DATE: 6/30/2009</b>			
<b>TO:</b>				<b>FROM:</b>			
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**

CASE NUMBER

**FD-2007-00471**

**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 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:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. She has expressed a desire to have her discharge upgraded so that she may be eligible to reenlist into the armed forces. The records indicated the applicant received three Letters of Reprimand and a Letter of Counseling for misconduct. The applicant was administratively disciplined for using profanity and presenting a poor military image for an incident that occurred at the YMCA, poor duty performance, failure to adequately progress in her Career Development Course, disrespect and failure to obey the orders of her supervisor, failure to go (twice), being disrespectful towards her supervisor, and leaving and failing to return to duty station on numerous occasions. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. [The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions she made in her Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366, on May 14, 1998) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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