

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSN/SSAN			
[REDACTED]				SRA		[REDACTED]			
TYPE	GEN	X	PERSONAL APPEARANCE			RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	No								
	X								
MEMBER SITTING					VOTE OF THE BOARD				
[REDACTED]					HON	GEN	UOTIC	OTHER	DENY
									X*+
									X*+
									X*+
									X*+
									X*+
ISSUES		INDEX NUMBER			EXHIBITS SUBMITTED TO THE BOARD				
A94.06 A92.35 A92.21		A66.00			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							
16 Apr 2010		FD-2008-00305							
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 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>									
[REDACTED]					[REDACTED]				
INDORSEMENT					DATE: 5/3/2010				
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-2008-00305

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 appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference between Andrews AFB Maryland and Robins AFB Georgia on April 16, 2010. (The following witness also testified on the applicant's behalf: Mr Jimmy Jordan (Step-Father).

The following additional exhibits were submitted at the hearing:

Exhibit 5: Applicant's Contentions

Exhibit 6: Character Reference

Exhibit 7: Award

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDING: The Board denies the upgrade of the discharge, change of reason and authority for discharge, and change of reenlistment code.

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 and based on one isolated incident after 43 months of service. Applicant also expressed his desire to have his discharge upgraded so that he may be eligible to reenlist into the armed forces. The records indicated the applicant received an Under Honorable Conditions (General) Discharge from the United States Air Force Reserve for Commission of a Serious Offense, Drug Abuse. The applicant provided evidence of his contention that he "was never a drug abuser". The DRB found the applicant to be very credible and believes that if the applicant had submitted a request to his commander that he met all seven of the retention criterion as a basis for retaining him, particularly in light of his outstanding performance, he may have had a favorable outcome. The DRB cannot grant the relief requested, as it is not within the purview of the Board to grant an upgrade based on clemency. Although the DRB cannot grant the relief requested, the DRB strongly urges the applicant to submit his request to the Board for Correction of Military Records (BCMR) to determine whether his records should be corrected.

Issue 2. The DRB was pleased to see that the applicant was doing well, continuing his education and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

CONCLUSION: 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 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 and determines the discharge should remain unchanged.

Attachment:
Examiner's Brief