

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

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

ISSUES A92.21 A95.00	INDEX NUMBER A67.30	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
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HEARING DATE 25 Mar 2010	CASE NUMBER FD-2008-00313	
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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.

TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	ENDORSEMENT [Signature]	FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3RD FLOOR ANDREWS AFB, MD 20762-7001
DATE: 3/25/2010		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2008-00313

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 and requests that the review be completed based on the available service record.

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

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.

ISSUES:

Issue 1. Applicant contends that she was not aware of the policy that she must receive a honorable discharge in order to use her G.I. bill benefits and had she known, she would have not accepted the under honorable conditions (general) discharge. The applicant was discharged IAW AFI 36-3206, paragraph 3.6.4, Misconduct, Serious or Recurring Misconduct Punishable by Military or Civilian Authorities with an under honorable conditions (general) discharge. The applicant received nonjudicial punishment (NJP) on two occasions. Her first NJP was for stealing 16 items from the Keesler Base Exchange, totaling a value of \$490.25. Her second NJP was for altering the issue date of an official document (American Heart Association card for Pediatric Life Support, Advanced Cardiac Life Support), by changing the renewal date from 2 August 2002 to 2 August 2004. Subsequently, on 9 February 2003, the show cause authority issued show case action. On 20 February 2003, the applicant submitted a request to resign. Her resignation was accepted and she was discharged with an under honorable conditions (general) discharge in April of 2003.

The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366, on 15 January 1997), indicating that she understood she must receive an Honorable discharge to receive future educational entitlements. Based upon the seriousness of her misconduct, the Board was not sympathetic to the impact the loss of these benefits had on the applicant.

Issue 2. The Applicant provided written statements from co-workers and patients attesting to her excellent work. While the DRB was pleased to see that the applicant was doing well, there was no inequity or impropriety in her discharge action. The Board concluded the misconduct of the applicant appropriately characterized her 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