

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE UOTHC	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

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

ISSUES A93.01 A93.07	INDEX NUMBER A67.50	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 17 Dec 2009	CASE NUMBER FD-2008-00374	
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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	NT	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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2008-00374

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 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.

FINDINGS: The Board denies the upgrade of the discharge and 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: The applicant contends discharge was inequitable based on the following reasons:

1. Age and Maturity.
2. Marital/Family Problems.

Issue 1. Applicant contends that he should not be penalized indefinitely for mistakes he made when young. The records indicated the applicant received four Article 15, two Vacation Actions, three Letters of Reprimand, one Letter of Counseling, one Record of Individual Counseling and six Memorandums for Record for misconduct. His misconduct included failure to report/go (10x), falling asleep while on duty, failing to show proper respect to the National Anthem, lying about the time his shift would end, wrongfully obtaining meals from an AF dining facility by false pretense on divers occasions, failing to communicate with command in a timely matter about issues that would keep him away from his duty location (2x), failing to wear a seat belt while on base, and stealing property from AAFES. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's misconduct was a significant departure from conduct expected of all military members. The DRB recognized the applicant was 21 years, 10 months of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterizations of the applicant's discharge, the reasoning for discharge, and reenlistment code were appropriate due to the misconduct.

Issue 2. Applicant contends that due to marital/family problems he was under undue stress and should not be punished indefinitely for the mistakes he made while under those temporary stressors. The DRB recognized the applicant had marital and family issues; however, there is no evidence these stressors caused him to not know right from wrong. The Board opined the applicant's situation was not significantly more unusual from what other Air Force members face; yet, they are able to properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterizations of the applicant's discharge, the reasoning for discharge, and reenlistment code were appropriate due to the misconduct.

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 the applicant 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. The Board further concludes that there is no legal or equitable basis for change of reason and authority for discharge, or change of reenlistment code

Attachment:
Examiner's Brief