

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL.) <div style="background-color: black; width: 100%; height: 20px;"></div>		GRADE  AB	AFSN/SSAN <div style="background-color: black; width: 100%; height: 20px;"></div>						
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">COUNSEL</td> <td style="width: 90%;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td>YES</td> <td>No</td> </tr> <tr> <td></td> <td>X</td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	YES	No		X	ADDRESS AND OR ORGANIZATION OF COUNSEL.	
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION								
YES	No								
	X								
		VOTES OF THE BOARD							
		HON	GEN	UOTHC	OTHER	DENY			
						X			
						X			
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						X			
ISSUES  A94.53	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  20 Aug 2009	CASE NUMBER  FD-2008-00383								
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>									
INDORSEMENT									
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						

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	CASE NUMBER  <b>FD-2008-00383</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable.</p> <p>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.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDINGS:</b> The Board denies the upgrade of the discharge.</p> <p>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.</p> <p>The record indicates the applicant received corrective action:</p> <p>Two (2) Article 15s for 1) assault--specifically striking a local national at a bar and a specialist executing military police duties, drunk and disorderly conduct bringing discredit upon the armed forces—specifically yelling obscenities toward military police in performance of their duties, urinating in public, damaging property by pulling on/striking/kicking inside of local taxi cab, and communicating a threat; and 2) wrongfully use with intent to deceive another's military identification card to gain entry into an over 21 establishment</p> <p><b>ISSUES:</b></p> <p>Applicant submitted no issues regarding the inequity or impropriety of his/her discharge. The applicant does submit that he has matured over the years and would like to return to school to make a better life for his two children. Although the Board considers all aspects of an applicant's service and post-service conduct, these alone cannot be the basis for an upgrade to the characterization. An inequity or impropriety must be evident in the administrative actions taken at the time of discharge. After thorough review of the record, The Board found the severity of the misconduct warranted a GENERAL discharge characterization in accordance with Air Force policies and the conduct expected of all Airmen. The Board concluded that the discharge was appropriate.</p> <p><b>CONCLUSIONS:</b> 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	