

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE GEN	X	PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

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

ISSUES A92.01 A92.15 A95.00	INDEX NUMBER A67.10	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 21 Jan 2010	CASE NUMBER FD-2008-00394
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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 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.

X: Denial of upgrade of discharge, change of narrative reason and change of RE Code.

[REDACTED]

INFORMER	DATE: 1/22/2010
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-2008-00394

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge to Secretarial Authority, and to change the reenlistment code.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 21 Jan 2010.

The following additional exhibits were submitted at the hearing:

Exhibit #6: Character Letter from Mr. A.D. Scroggins

Exhibit #7: Letter of Appreciation from Lt Col Baker

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:

The applicant contends that his discharge was inequitable because the Air Force did not take into account the good things he did while in the service because if it had, he would have received an honorable rather than a general discharge. On the DD Form 293, the applicant asked that his discharge be changed to honorable and that his clearance be reinstated. However, during the DRB hearing, the applicant acknowledged that security clearance issues were not within the purview of the DRB.

The applicant was discharged under AFI 36-3208, *Administration Separation of Airmen*, paragraph 5.49, Misconduct: Minor Disciplinary Infractions, with an under honorable conditions (general) discharge. During his two years in the Air Force, the applicant received three Letters of Reprimand, a Letter of Counseling and an Article 15 for offenses ranging from failure to go, sleeping through classes, departing his duty station without authority, dereliction of duty by failing to include reference imagery mortars in his pre-mission brief, and wrongfully traveling to a location while on leave that he was not authorized to do so.

The applicant contended that during his two years in the Air Force, he did a lot of volunteer work, was involved in sports, a member of the Airman's Council, and saved an airman's life. The DRB took note of the applicant's duty performance as documented by his performance report, letters of recommendation and other accomplishments. However, the Board found that the applicant's misconduct during his two years of service outweighed the positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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