

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> AB	<b>AFSN/SSAN</b> [REDACTED]			
<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>		<b>X</b>	<b>RECORD REVIEW</b>	
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>		
<b>YES</b>	<b>No</b>					
	<b>X</b>					
		<b>ISSUES SUBMITTED TO THE BOARD</b>				
		<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>	<b>OTHER</b>	<b>DENY</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
						<b>X</b>
<b>ISSUES</b>		<b>INDEX NUMBER</b>		<b>ISSUES SUBMITTED TO THE BOARD</b>		
A93.01 A94.05		A67.90		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		
<b>HEARING DATE</b>		<b>CASE NUMBER</b>				
20 Aug 2009		FD-2008-00419				
<b>APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>						
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.						
nt Code are denied						
<b>INDORSEMENT</b>						
<b>TO:</b>			<b>FROM:</b>			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FL.OOR ANDREWS AFB, MD 20762-7001			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2008-00419**

**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, change of reason and authority for discharge, and change of reenlistment code.

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. The record indicated the applicant received the following corrective action:

1. Two (2) Article 15 for sleeping on post (Article 113, UCMJ)/false official statement (Article 107, UCMJ) and cruelty/maltreatment (two counts) (Article 93, UCMJ).
2. One (1) Letter of Reprimand for entering a Charleston AFB residence, pursuing an 18-year old dependent and committing adultery with her.

**ISSUES:**

Issue 1. Applicant contends poor judgment was the cause of the discharge and the characterization should have been honorable. The Board concurs with the assessment of poor judgment but determined the general discharge characterization was very appropriate. The Board considered the nature and severity of the misconduct and opined that command acted in the best interest of the Air Force according to established policies, guidelines and expected behavior of all Airmen. The misconduct was well beyond "poor judgment". No inequity or impropriety could be found during a thorough review of the record. The discharge was found to be appropriate.

Issue 2. Applicant contends no rehabilitation was offered after receiving corrective action. In this case, the rehabilitation came in the form of administrative actions with intent to allow the individual to correct the unacceptable behavior. The applicant didn't correct the behavior and was subsequently discharged for the offenses. Furthermore, in such cases, rehabilitation potential must be determined by the command and is not a guarantee. The Board found the egregious nature of the offenses and continued poor choices warranted discharge and a general characterization.

**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.

Attachment:  
Examiner's Brief