

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
--	---------------------	--------------------------------

TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
-----------------	----------------------------	----------	----------------------

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:5%;">YES</td> <td style="width:5%;">No</td> </tr> <tr> <td></td> <td align="center">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

	VOLE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]	X*+				
[REDACTED]					X
[REDACTED]					X

ISSUES A01.43 A92.21	INDEX NUMBER A84.00	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 03 Mar 2010	CASE NUMBER FD-2008-00423	
------------------------------------	-------------------------------------	--

* 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.

* [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

INDORSEMENT		DATE: 3/3/2010
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-2008-00423

GENERAL: The applicant appeals for upgrade of discharge to honorable, and 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.

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: Applicant contends he was led to believe that when he was discharged from the Iowa Air National Guard, that he would be able to rejoin. However, after that agreement was made, the applicant indicates the paperwork that was submitted did not reflect the agreement and was changed without his knowledge. The Board was pleased to see that the applicant was doing well and participating in the Civil Air Patrol as a major. The record indicates the applicant received a General discharge from the Iowa Air National Guard for unsatisfactory participation. Upon review of the record, the Board found Special Order AA-187, dated 31 May 1994, which indicated the applicant was discharged from the Iowa National Guard with a General service characterization under provisions of ANGR 39-10, paragraph 5-8(a) (Unsatisfactory Participation). The record also contained an NGB Form 22, with an effective date of 15 June 1994, which reflected a characterization of service of "General" and a reenlistment eligibility of "eligible." The form further indicated the applicant was not available to sign the document. On 27 June 1994, the reenlistment eligibility block was corrected to reflect "ineligible." The record did not contain any information concerning the underlying basis for discharge (Unsatisfactory Participation). The Board looked at past cases where failure to participate was the basis and the Board noted that normally, members were separated with a General discharge. Due to lack of evidence and supporting documentation to further explain the discharge, the Board concludes that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. Relying on the presumption of regularity, the Board finds the characterization; reason for discharge and the reenlistment code were appropriate.

The Board highly recommends that if the applicant can provide additional documented information to substantiate his issue, that he should consider exercising his right to make a personal appearance before the Board. If the applicant chooses to exercise this right, he should be prepared to provide the Board with factual evidence of the inequity/impropriety and any exemplary post-service accomplishments as well as any contributions to the community.

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