

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		X		PERSONAL APPEARANCE				RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES		No		Donte Marshal, Inc				00		
X										
<div style="background-color: black; width: 100%; height: 100%;"></div>						VOTE OF THE BOARD				
						HON	GEN	UOTHC	OTHER	DENY
										X
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ISSUES A92.21 A94.05		INDEX NUMBER A66.00				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								
HEARING DATE 02 Feb 2010		CASE NUMBER FD-2008-00465				TAPE RECORDING OF PERSONAL APPEARANCE HEARING				
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 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>										
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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-2008-00465

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 02 Feb 2010.

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.

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:

Issue 1. Although not explicitly stated, applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15, a Letter of Reprimand, and two Records of Individual Counseling for misconduct. His misconduct consisted of wrongful use of marijuana, striking another airman, failure to check BITC truck and driving on a flat tire, and missing appointments. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The DRB was pleased to see that the applicant was doing well and has a good job as a dental assistant. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Issue 3. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on June 4, 1999) that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

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