

**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 GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
-----------------	----------	----------------------------	----------------------

<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	<b>1608 K STREET NW WASHINGTON DC 20006</b>
<b>X</b>		

VOTE OF THE BOARD				
HON	GEN	UOTHC	OTHER	DENY
				X**
				X**
				X**
				X**
				X**

<b>ISSUES</b> A93.15 A94.05	<b>INDEX NUMBER</b> A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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> 25 Feb 2010	<b>CASE NUMBER</b> FD-2008-00497
------------------------------------	-------------------------------------

**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.

\*Reason and Authority  
+Reenlistment Code

<b>INDORSEMENT</b>		<b>DATE: 3/3/2010</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3E WING, 3RD FLOOR ANDREWS AFB, MD 20762-7001	

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2008-00497**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change the reason and authority and change the reenlistment code. The attached brief contains available pertinent data on the applicant and factors leading to the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB) with counsel at Andrews AFB on 25 Feb 2010. The following witness also testified on the applicant's behalf: Mrs. Elizabeth Cruz-Torres (Wife).

The following additional exhibits were submitted at the hearing:

Exhibit 6: American Legion Statement

Exhibit 7: Status of Training (E-mail Traffic)

**FINDINGS:** Upgrade of discharge, change of reason and authority and change of reenlistment code are denied. 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 his discharge was inequitable because it was too harsh in light of racial discrimination that he was subjected to by his co-workers that contributed to and extenuated his misconduct of record. The records indicated the applicant received two Article 15s, four Letters of Reprimand (LORs) and two Letters of Counseling (LOCs). The first Article 15 was for failure to go to appointed place of duty and without authority left appointed place of duty. The second Article 15 was for being disrespectful in language towards a noncommissioned officer. He was discharged with a general discharge under honorable conditions after serving 2 years and 10 months of his 4 year enlistment. The Discharge Review Board opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board found applicant's issues to be without merit and concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant found to be appropriate.

**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 that the applicant was provided full administrative due process.