

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AB

TYPE GEN

X

PERSONAL APPEARANCE

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

X

VOTE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X**

X**

X**

X**

X**

ISSUES

A01.39
A94.55

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

28 Jan 2010

CASE NUMBER

FD-2008-00514

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

INDORSEMENT

DATE: 2/1/2010

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

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 appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 28 Jan 2010.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

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. Further, the requests for change of reason and authority for discharge, 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:

The applicant was discharged under AFI 36-3208, paragraph 5.49 (Minor Disciplinary Infractions). The applicant contends discharge was inequitable because he was not well represented. The records indicated the applicant received two Article 15s, a Vacation Action, and a Letter of Reprimand for misconduct. His misconduct included failure to show for a scheduled dental appointment and failure to show on time for guard mount, insubordination to a superior officer, and insubordination to a superior non-commissioned officer while deployed at Ali Al Salem AB, Kuwait. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board opined that the fact the applicant was not pleased with the outcome of his discharge did not mean he was inadequately represented. The applicant admitted that he committed the offenses and thought he would be discharged before he returned from his deployment. The applicant further indicated he met with an area defense counsel and a review of his discharge paperwork indicated that he was fully advised of his rights, acknowledged his rights, and did not provide a response to the discharge notification. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The Board reviewed the entire record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge.

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