

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 20px; margin-top: 5px;"></div>				GRADE A1C		AFSN/SSAN <div style="background-color: black; width: 100px; height: 20px; margin-top: 5px;"></div>	
TYPE GEN		PERSONAL APPEARANCE		X RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES No							
		X					
MEMBER SITTING				VOTE OF THE BOARD			
				HON	GEN	UOTHC	OTHER
							DENY
							X*+
							X*+
							X*+
							X*+
							X*+
ISSUES A94.55 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 01 Dec 2009		CASE NUMBER FD-2008-00538					
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, the right to a personal appearance with/without counsel, 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> <p>*Reason and Authority +Reenlistment Code</p>							
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-2008-00538

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.

ISSUE: The applicant contends discharge was inequitable based on the fact that he was battling a back injury that he was later awarded a disability rating of 20% by the Veterans Administration.

FINDINGS: The Board denies the upgrade of the discharge, to change the reason and authority for discharge and to change the 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.

The applicant contends discharge was inequitable because the separation authority did not take into account that he had a back injury that should have caused him to be medically discharged. The records indicated the applicant received an Article 15, six Letters of Reprimand, and, three Records of Individual Counseling for misconduct. His misconduct included failure to properly maintain tool control (2x), a domestic incident, failure to follow a technical order (3x), failure to maintain control of his government travel card and PIN, failure to properly repair a strike rid, speeding on base, and failure to maintain his government quarters IAW established inspection standards. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The available medical record indicated that he had a back injury. However, there is no indication within the available records that the injury warranted medical separation. Further, the available service record indicated the applicant did not raise the back injury as a matter to the separation authority. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career.

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