

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

|   |                                     |                                      |                  |  |   |      |
|---|-------------------------------------|--------------------------------------|------------------|--|---|------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL.)<br><div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div>  |                                     |                                      | GRADE<br><br>A1C |  | AFSN/SSAN<br><div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div> |      |
| TYPE GEN  | <input checked="" type="checkbox"/> | PERSONAL APPEARANCE                  |                  |  | RECORD REVIEW   |      |
| COUNSEL   |                                     | NAME OF COUNSEL AND OR ORGANIZATION  |                  |  | ADDRESS AND OR ORGANIZATION OF COUNSEL  |      |
| YES   | No                                  |                                      |                  |  |   |      |
|   | <input checked="" type="checkbox"/> |                                      |                  |  |   |      |
| <b>VOTE OF THE BOARD</b>  |                                     |                                      |                  |  |   |      |
|   |                                     | HON                                  | GEN              | UOTHC  | OTHER   | DENY |
|   |                                     |                                      |                  |  |   | X    |
|   |                                     |                                      |                  |  |   | X    |
|   |                                     |                                      |                  |  |   | X    |
|   |                                     |                                      |                  |  |   | X    |
|   |                                     |                                      |                  |  |   | X    |
| ISSUES<br><br>A94.11<br>A92.21  |                                     | INDEX NUMBER<br><br>A67.30<br>A61.00 |                  | 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<br><br>08 Dec 2009   |                                     | CASE NUMBER<br><br>FD-2008-00553     |                  |  |   |      |
| 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> |                                     |                                      |                  |  |   |      |
| <b>INDORSEMENT</b>  |                                     |                                      |                  |  |   |      |
| TO:<br><br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742   |                                     |                                      |                  | FROM:<br><br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7001 |   |      |

|   |                                     |
|---|-------------------------------------|
| <b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>  | CASE NUMBER<br><b>FD-2008-00553</b> |
| <p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 08 Dec 2009.</p> <p>The following additional exhibits were submitted at the hearing:</p> <ul style="list-style-type: none"> <li>Exhibit #6: Applicant's Letters to the Discharge Review Board &amp; Board of Corrections for Military Records</li> <li>Exhibit #7: Military Re-entry Codes</li> <li>Exhibit #8: State of North Carolina Expungement Petition</li> <li>Exhibit #9: Applicant's Resume</li> <li>Exhibit #10: Transcripts from UNC Pembroke and CCAF</li> <li>Exhibit #11: Student Evaluation from Pembroke Social Work Program</li> <li>Exhibit #12: Certificates of Recognition and Achievement (4 certificates)</li> </ul> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDINGS:</b> The Board denies the upgrade of the discharge. Change of reason and authority for discharge and change of reenlistment code are also denied.</p> <p>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.</p> <p><b>ISSUES:</b> The applicant contends discharge was inequitable based on the following reasons below.</p> <p>Issue 1. Applicant contends his discharge should be upgraded based upon his post service conduct. The DRB was pleased to see that the applicant was doing well and successfully raised two daughters. 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.</p> <p>Issue 2. Applicant contends his commander's actions in discharging him were arbitrary and capricious. The applicant stated that while deployed to Germany, he made borderline insubordinate comments to his commander regarding his commander's decision to send him home based on perceived inadequacy of his childcare arrangements. The applicant stated that from that point forward, the commander sought to punish him and discharge him from the Air Force. The DRB concluded that the applicant did not seem to fully appreciate that he had a court-martial conviction for assaulting his ex-wife, a civilian conviction for communicating a threat to his ex-girlfriend, and an Article 15 for violating a no contact order. The DRB concluded that the only reasonable course of action for the applicant's commander, based on the applicant's disciplinary history, was to seek the applicant's discharge. This was especially true as the applicant's conviction was based on domestic violence. The applicant had full opportunity to present his case to a discharge board and the discharge board ultimately concluded the applicant should be discharged with a general service characterization. Based upon the applicant's history, the DRB felt the applicant was fortunate to get so favorable a discharge characterization. The DRB found no inequity or impropriety in the applicant's commander's actions.</p> |                                     |

**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