

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

SRA

TYPE GEN

PERSONAL APPEARANCE

X

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

A94.06

INDEX NUMBER

A49.00

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

07 Dec 2009

CASE NUMBER

FD-2008-00577

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.

Names and votes will be made available to the applicant at the applicant's request.

*Reason and Authority

+Reenlistment Code

INDORSEMENT

DATE: 12/7/2009

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-2008-00577

GENERAL: The applicant appeals for upgrade of discharge to honorable, change of reason and authority and to change the reenlistment code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) and elected to exercise this right. However, the case was tendered before the personal appearance hearing date. A tender consideration is the process of reviewing a projected personal appearance case to determine if the board would grant the requested relief based on the evidence in the service record and a possible impropriety found in the administrative discharge.

After a review of the record, the Board unanimously voted to grant the relief of the requested upgrade as discussed below.

FINDINGS: The Board grants the requested relief.

The Board finds evidence in the record to substantiate an inequity that would justify a change in the discharge. Therefore, for the reasons specified below, the Board grants the upgrade of the applicant's discharge and the change to the reenlistment code to 3K.

ISSUE: The applicant contends discharge was inequitable based on the failure by command to properly administer her CDC training.

Applicant contends discharge was inequitable because it was too harsh. The records the Board had indicated the command had not taken any administrative action, such as a letter of reprimand, or adverse action such as non-judicial punishment under Article 15. The records further indicated that the applicant was issued two CDC tests within a two week period and the Board noted the applicant's statement that her trainer failed at least one CDC test while training the applicant. The Board found that based on the above, that in this case, a General Discharge was too harsh for merely failing to progress. Thus, the characterization of the discharge received by the applicant and the RE code were found to be inappropriate.

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.

However, in view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reenlistment code changed to 3K under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief