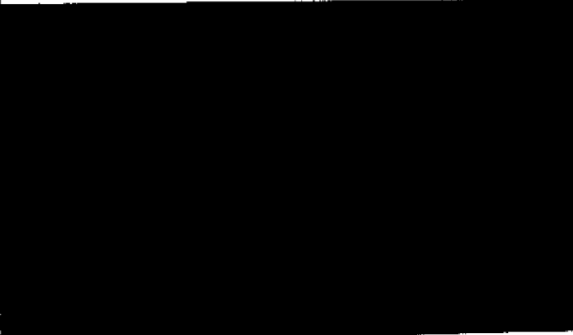


AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE AB	AFSN/SSAN 
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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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 A93.01 A94.05	INDEX NUMBER A67.50	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 27 Apr 2010	CASE NUMBER FD-2008-00587
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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.



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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2008-00587

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was scheduled for a personal appearance before the Discharge Review Board at Andrews Air Force Base, Maryland on 27 April 2010, but failed to appear or notify the board and therefore, he forfeited his right for a personal appearance.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDING: The Board denies the upgrade of the discharge.

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 was discharged IAW AFI 36-3208, paragraph 5.50.1: A Pattern of Misconduct, Discreditable Involvement with Military Authorities with an under honorable conditions (general) service characterization. The applicant was convicted of the following offenses at a Special Court-Martial on 29 April 1995: Two specifications of larceny of items totaling about \$3,600, under Article 121, UCMJ and one specification of willfully allowing Mr. S to use his military identification card (18 USC, Section 499), in violation of Article 134, UCMJ. The applicant was sentenced to 30 days confinement, reduction to E-1 and 90 days hard labor without confinement. The applicant also received two Records of Individual Counseling, one Letter of Counseling and two Letters of Reprimand during his enlistment.

ISSUES:

Issue 1. Applicant contends that he would like to start receiving education benefits. The applicant's implication is his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, dated 28 November 2003) that he understood he must receive an honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade. Furthermore, the G.I. bill is not afforded unless a member has served for at least 36 months.

Issue 2. Applicant contends and that because he was 17 years old at the time he came into the Air Force, he had "a lot of growing to do," thus, making irresponsible choices that resulted in his discharge. The DRB recognized the applicant was 20 years old when the discharge took place. However, there is no evidence he did not know right from wrong. The Board opined the applicant was no different than the vast majority of first-term members who properly adhere to the Air Force standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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