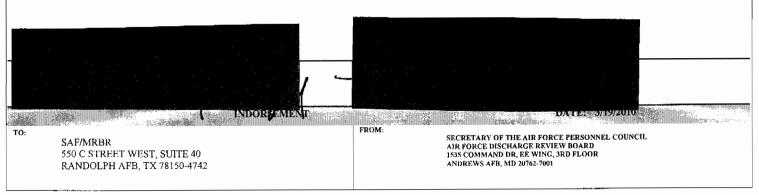
AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD								
NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE			AFSI	AFSN/SSAN		
TYPE GEN	PERSONAL APPEARANCE	X	X RECORD REVIEW					
YES No X	E OF COUNSEL AND OR ORGANIZATION	ADDRES	ADDRESS AND OR ORGANIZATION OF COUNSEL					
	MEMBED CITTING	VOTE OF THE BOARD						
MEMBER SITTING		HC	ON	GEN	UOTHC	OTHER	DENY	
							X	
							Х	
	*						X	
							X	
							Х	
A92.01 A93.33	.33	EXHIBITS SUBMITTED TO THE BOARD 1 ORDER APPOINTING THE BOARD						
A94.05		2 APPLICATION FOR REVIEW OF DISCHARGE						
		 	3 LETTER OF NOTIFICATION					
			4 BRIEF OF PERSONNEL FILE COUNSEL'S RELEASE TO THE BOARD					
		ADD	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE					
		TAP	TAPE RECORDING OF PERSONAL APPEARANCE HEARING					
HEARING DATE	CASE NUMBER							
19 Mar 2010	FD-2009-00008							
APPLICANT'S ISSUE AND	THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHE	D AIR FORCE DISCHARGE RE	VIEW BOAR	D DECISIONAL	RATIONALE	4/3/4/4/		
Case heard in Wa	ashington, D.C.							

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.

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



AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2009-00008

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

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.

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.

ISSUE:

Issue 1.

The applicant was discharged IAW AFI 36-3208, paragraph 5.50.2: A Pattern of Misconduct: Conduct Prejudicial to Good Order and Discipline. Applicant contends discharge was inequitable because it was too harsh in that he was railroaded out of the military by supervisors for mistakes that were not severe. The applicant contends that he was given "reprimands" for lying when he had not and this was carried out by supervisors who felt they would threaten his career if he fought the punishments. The records indicate the applicant received three Records of Individual Counseling (RIC) for failing to take a scheduled photo shoot, improperly taking passport photos of members in BDU shirts and failing to pay his Star Card in the amount of \$38 in a timely manner. In addition, he received two Letters of Reprimand (LOR) for making a false statement with the intent to deceive an NCO and failing to go to his appointed place of duty at the appointed time. The applicant also received an Article 15 for failing to go to his appointed place of duty at the prescribed time, resulting in a suspended punishment and a vacation of the rank for communicating indecent language to all members of the communications squadron via an e-mail. In response to all of the above actions, the applicant either did not respond or apologized for his misconduct. In addition, he waived his right to counsel and also waived his right to submit statements to the administrative discharge proceedings.

lssue 2.

The applicant also states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

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