

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b>	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE GEN</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>
<b>YES</b>	<b>No</b>	
	<b>X</b>	

VOTE OF THE BOARD					
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

<b>ISSUES</b> A93.23 A92.35 A93.09	<b>INDEX NUMBER</b> A67.90	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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

<b>HEARING DATE</b> 05 Mar 2010	<b>CASE NUMBER</b> FD-2009-00020	
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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, 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.

[REDACTED]

<b>INDORSEMENT</b>	<b>DATE:</b> 3/5/2010
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2009-00020**

**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.

**ISSUES:**

Issue 1. Applicant contends that the discharge was inequitable because it was based upon one isolated incident in 30 months of service with no other adverse action.

The applicant was discharged IAW AFI 36-3208, paragraph 5.50.2, A Pattern of Misconduct: Conduct Prejudicial to Good Order & Discipline, with a general discharge under honorable conditions. The applicant received two Article 15s. Her first Art 15 was for violation of Article 134, UCMJ: false swearing and committing indecent acts by kissing other females in a public place. Her second Article 15 was violation of Article 134, UCMJ: adultery and violation of Article 92, UCMJ: dereliction of duty by allowing a member of the opposite sex to enter her tent. The misconduct occurred in November 2002 while she was deployed to Diego Garcia. Although the period of her misconduct was limited, the Board found that the seriousness of the negative aspects of her conduct outweighed the positive contributions she made in the two and a half years of her Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. Applicant contends impropriety of her discharge because the misconduct was isolated and was a direct result of "a diagnosed and documented medical condition," which she described as "depression as a result of a sexual assault at my first duty station." While the applicant's file reveals documentation that she sought treatment for depression and was also referred to ADAPT, the medical providers did not deem that her case should meet a medical board (MEB) for disability processing. The Board also noted that in the applicant's discharge response, she stated that her misconduct was due to her alcohol use. After reviewing all available facts and evidence, the Board determined there was no causal relationship between the member's medical condition and her misconduct that would cause the Board to disregard her misconduct and the resulting disciplinary action.

Issue 3. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement, DD Form 2366, dated 26 July 2000, in which she stated she understood she 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.

**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