

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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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	

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

ISSUES A95.00 A01.00 A93.21	INDEX NUMBER A67.90	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 10 Mar 2010	CASE NUMBER FD-2009-00021	
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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]

[REDACTED]

INDORSEMENT	DATE: 3/18/2010
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-2009-00021

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

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.

ISSUE: The applicant contends discharge was improper due to his medical condition which caused him to pass out and not wake up for hours and all of his misconduct was related to his medical condition. The records indicated the applicant received one Article 15, four Letters of Reprimand (LOR), one Letter of Counseling (LOC), and numerous verbal counseling's. Following a review of applicant's medical records, the DRB noted a Health History Questions/Interval History (SF Form 507) dated April 27, 2006 where the member answered "NO" to the following questions: "Have you recently had any medical problems or symptoms that bother you?" and "To the best of my knowledge, NO/NO OTHER significant medical or surgical history has occurred since my last examination." Prior to this date, member had received two LORs and one LOC for reporting late for duty and physical training. Further, the applicant did not provide responses to any of the disciplinary actions taken by his chain of command, nor did he provide a response to his referral Enlisted Performance Report (EPR) to explain the medical condition which caused him to not report to duty and miss scheduled appointments. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's misconduct was a significant departure from conduct expected of all military members. Based on a thorough review of applicant's medical and personnel records, the Board did not find a matter of inequity or impropriety which would warrant an upgrade. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate

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