

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE GEN	X	PERSONAL APPEARANCE	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
[REDACTED]	X*+				
[REDACTED]	X*+				
[REDACTED]	X*+				
[REDACTED]	X*+				
[REDACTED]	X*+				

ISSUES A94.06	INDEX NUMBER A67.10	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 13 Apr 2010	CASE NUMBER FD-2009-00027	
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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. via video-teleconference with Robins AFB GA.

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.

* CHANGE RE CODE
 + CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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-2009-00027

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, via video teleconference between Andrews AFB Maryland and Robins AFB Georgia on 13 Apr 2010.

The following additional exhibits were submitted at the hearing:

- Exhibit #5: Applicant's Contentions
- Exhibit #6: Character Reference Letter
- Exhibit #7: Character Reference Letter
- Exhibit #8: Two Pictures of Barber Shops owned by Applicant
- Exhibit #9: University Achievement Certificate/Florida
- Exhibit #10: College of Barber Achievement/Alabama
- Exhibit #11: Business Barber License

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

FINDING: The Board grants the requested relief. The discharge is upgraded to honorable. The reason and authority for the discharge, and the reenlistment code will also be changed to reflect the upgrade.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's discharge, and the reason and authority for discharge inequitable.

ISSUE: The applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and three Letters of Reprimand for misconduct. The misconduct included breaking curfew, communicating a threat, horseplay, fighting, and wearing civilian clothes. The Board opined that the applicant's accounting of events was creditable and his punishment for his offense was inequitable. The Board determined that based on the evidence and the applicant's testimony, the characterization of the discharge should be upgraded to honorable. The Board further concluded that the reason for discharge and the reenlistment code were inappropriate and should be changed.

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.

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 and the reason for the discharge is more accurately described as Secretarial Authority and the reenlistment code changed to 3K under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief