

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

A1C

TYPE GEN

PERSONAL APPEARANCE

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

1725 I St. NW Suite 300 Washington DC 20006

Timothy Litka ESQ

**VOTE OF THE BOARD**

HON

GEN

UOTHC

OTHER

DENY

ISSUES

A01.14  
A01.48

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

09 Aug 2010

CASE NUMBER

FD-2009-00047

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.

X – Secretarial Authority with Reenlistment Code of 3K.

NT

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****FD-2009-00047**

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

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.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) and elected to exercise this right. However, the case was tendered before the personal appearance hearing time. A tender consideration is the process of reviewing a projected personal appearance case to determine if the board would grant the requested relief based on the evidence in the service record and a possible impropriety found in the administrative discharge.

After a review of the record, the Board unanimously voted to grant the relief of the requested upgrade as discussed below.

**FINDING:** The Board grants the requested relief.

The Board finds evidence in the record to substantiate an impropriety that would justify a change in the discharge. Therefore, for the reasons specified below, the Board grants the upgrade of the applicant's discharge, the change the narrative reason for discharge to Secretarial Authority and the change to the reenlistment code to 3K.

**ISSUE:**

The applicant contends the Air Force did not follow policy and documentation provided by the National Personnel Records Center indicates the applicant received an Honorable discharge. The Board found that the applicant received an Article 15 for failure to comply with Maintenance Operations Safety Standards. After further review, the Board found the applicant had over five years of service with no formal documentation showing that he was afforded the opportunity to overcome this deficiency. Since, there were no other infractions or misconduct by the applicant that was evident in his record, the case is tendered. The Board concluded his discharge was improper and also considered changing the reasons and authority and reenlistment code. As a result, the Board unanimously changed his character and reenlistment code.

**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.

The Discharge Review Board concludes that the discharge was inconsistent with the procedural and substantive requirements of the discharge regulation and finds the applicant was not provided full administrative due process.

In view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge, 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