

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE		AFSN/SSAN	
[REDACTED]		[REDACTED]		[REDACTED]	
TYPE		PERSONAL APPEARANCE		X RECORD REVIEW	
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
				X
				X
				X
				X
				X

ISSUES	A01.00	INDEX NUMBER	A94.07	EXHIBITS SUBMITTED TO THE BOARD	
	A95.00			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	CASE NUMBER
05 Aug 2010	FD-2009-00098

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.

TO:	INDORSEMENT	DATE: 8/11/2010
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

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2009-00098

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Issue 1. Applicant submitted no issues regarding the inequity or impropriety of his discharge. Applicant was accused of raping A1C KLC and unlawfully entering a dormitory room with intent to commit a criminal offense. The applicant submitted to the Discharge Review Board a copy of the Article 32 Investigating Officer's Report dated April 7, 2008. That report recommended trial by general court martial of all charges and specifications. The Board notes that applicant requested a Chapter 4 discharge in lieu of trial by court martial, a request that was granted. Therefore the Board finds no inequity or impropriety in the processing of the discharge and finds the characterization of service 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