

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 20px;"></div>				GRADE <div style="background-color: black; width: 100%; height: 20px;"></div>		AFSN/SSAN <div style="background-color: black; width: 100%; height: 20px;"></div>					
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW					
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL					
X											
						VOTE OF THE BOARD					
						HON	GEN	UOTHC	OTHER	DENY	
										X**	
										X**	
										X**	
										X**	
										X**	
										X**	
						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					
ISSUES A94.53						INDEX NUMBER A67.10					
HEARING DATE 22 Jul 2010						CASE NUMBER FD-2009-00148					
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.											
*Reason and Authority											
+Reenlistment Code											
<div style="background-color: black; width: 100%; height: 40px;"></div>											
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-2009-00148

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

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.

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

FINDING: The Board denies the upgrade of the discharge, change of reason and authority for discharge, and change of reenlistment code.

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:

Applicant submitted no issues regarding the inequity or impropriety of his discharge. The applicant does submit that he believes he deserves a second chance despite his discrepancies so that he may serve his country in the United States Air Force again. The record indicates the applicant received an Article 15 and three Letters of Reprimand for misconduct. His misconduct consisted of underage drinking, threatening to rape a fellow airman, committing adultery, failure to go, and harboring an underage minor in his dormitory room. The Board opined that through these administrative actions, the applicant had ample opportunities to change his behavior. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board reviewed the entire record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge.

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