

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE		AFSN/SSAN				
TYPE	GEN	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 A93.11 A93.01 A01.00 A92.41		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 29 Jun 2010		CASE NUMBER FD-2009-00149						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE.								
<p>Case heard in Washington, D.C.</p> <p>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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>								
ENDORSEMENT								
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-2009-00149
<p>GENERAL: The applicant appeals for upgrade of discharge to honorable, and to change the reason and authority for the discharge, as well as the reenlistment code.</p> <p>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.</p> <p>FINDING: The Board denies the upgrade of the discharge. The request to change the reason and authority for discharge and the reenlistment code also are denied.</p> <p>The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.</p> <p>ISSUES:</p> <p>Issue 1. Applicant contends that he should not be penalized indefinitely for a mistake he made when young. The DRB recognized the applicant was 22 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.</p> <p>Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on February 17, 2006) that he understood he must serve a minimum of 36 months on active duty and receive an Honorable discharge to receive future educational entitlements. Applicant fulfilled neither of those preconditions. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.</p> <p>Issue 3. Applicant submitted no other substantive 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 or Border Patrol. He adds his discharge is also limiting his employment opportunities. The record indicates the applicant received one Letter of Counseling (LOC), one Article 15, one Vacation Action, and one Letter of Reprimand during his two years and seven months on active duty. His misconduct included dereliction in the performance of his duty, larceny of military property (x2), and driving under the influence of alcohol. 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	