

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL.) <div style="background-color: black; width: 100%; height: 1.2em;"></div>				GRADE A1C		AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em;"></div>							
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">COUNSEL</td> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL													
YES	No												
	X												
MEMBER SITTING						VOTE OF THE BOARD							
<div style="background-color: black; width: 100%; height: 150px;"></div>						HON	GEN	UOTHC	OTHER	DENY			
										X			
										X			
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										X			
ISSUES A93.19 A93.23 A94.05		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 05 Aug 2010		CASE NUMBER FD-2009-00156											
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.													
<div style="background-color: black; width: 100%; height: 50px;"></div>													
INDORSEMENT						DATE: 8/11/2010							
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-2009-00156

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 that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE:

Issue 1. Applicant infers discharge was inequitable because it was too harsh because he was suffering from depression. The records indicated the applicant received three Article 15s, a Letter of Reprimand, and a Letter of Counseling. Applicant's misconduct included several alcohol-related incidents, disobeying orders or failing to follow orders, failure to go, and failure to remain on station. While a mental health evaluation dated August 10, 2004, recommended discharge on the basis of applicant's mental health condition, the legal review of the administrative discharge for minor disciplinary infractions addresses this. It states "Although the diagnosis provides an additional basis for discharge under paragraph 5.11.9, Mental Disorders, discharge under that provision is not appropriate when the Airman's record would support discharge for misconduct." The DRB opined that through the administrative actions taken by the unit, the applicant had ample opportunities to change his negative behavior. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The characterization of the discharge received by the applicant was found to be 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