

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)					GRADE		AFSN/SSAN		
					SrA				
TYPE	GEN	X	PERSONAL APPEARANCE			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		A94.05		INDEX NUMBER		A84.00		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			CASE NUMBER						
03 Jun 2010			FD-2009-00162						
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 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> <p>*Reason and Authority +Reenlistment Code</p>									
TO:					FROM:				
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-2009-00162

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 appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 03 Jun 2010.

The following additional exhibits were submitted at the hearing:

Exhibit # 5: Applicant's Contentions

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. Change of reason and authority for discharge and change of reenlistment code are denied.

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: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant accumulated twenty unexcused absences between May 1998 and September 1998. Additionally, he failed to meet his personal obligations by not paying the debt of \$71.87 he incurred on his Government American Express card. The primary reason for discharge was his unsatisfactory participation. The applicant testified that he was unsatisfied with his duties. He spoke to his first sergeant about this dissatisfaction and asked what could be done. The applicant testified that one of the options the first sergeant provided him was to stop participating. The applicant further testified that the first sergeant told him that he would not go to jail, but would be discharged if he stopped participating. While the applicant may have not been fully informed of the full ramifications of taking the non-participation course of action, the DRB opined that the applicant knowingly chose to not participate and got what he wanted – out of the Air Force Reserve without going to jail. The DRB did not find a general discharge for failing to fulfill his obligation to the Air Force reserve to be inequitable. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The DRB was pleased to see that the applicant was bettering himself through his educational accomplishments. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The characterization of the discharge received by the applicant, the narrative reason and, reenlistment code were 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