

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 AMN		AFSN/SSAN <div style="background-color: black; width: 100%; height: 20px;"></div>				
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW				
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL				
<div style="background-color: black; width: 100%; height: 100%;"></div>						VOTE OF THE BOARD				
						HON	GEN	UOTHC	OTHER	DENY
										X**+
										X**+
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										X**+
ISSUES A95.00 A01.00		INDEX NUMBER A66.00				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						
HEARING DATE 04 May 2010		CASE NUMBER FD-2009-00176				TAPE RECORDING OF PERSONAL APPEARANCE HEARING				
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> <p>*Reason and Authority +Reenlistment Code</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%; height: 80px; background-color: black;"></div> <div style="width: 40%; height: 80px; background-color: black;"></div> </div>										
INDORSEMENT				DATE: 5/19/2010						
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-2009-00176

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.

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:

Issue 1. Applicant submitted no issues regarding the inequity or impropriety of his discharge. The applicant has expressed a desire to have his discharge upgraded so that he may be eligible to reenlist into the armed forces. The record indicates the applicant received an Article 15 for wrongful use of Xanax and marijuana. After a review of the record, the Board found no evidence to indicate that the applicant did not know right from wrong or that in his 33 months of service was unaware of the Air Force policy of zero tolerance to drug use. The Board found the negative aspects of the willful misconduct outweighed the positive aspects of the applicant's performance and concluded that the discharge was appropriate.

Issue 2. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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