

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 1.2em; margin-top: 5px;"></div>			GRADE		AFSN/SSAN <div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div>				
TYPE GEN	X	PERSONAL APPEARANCE		RECORD REVIEW					
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL					
X									
MEMBER SITTING				VOTE OF THE BOARD					
<div style="background-color: black; width: 300px; height: 150px; margin-top: 10px;"></div>				HON	GEN	UOTHC	OTHER	DENY	
									X**
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									X**
ISSUES A92.21 A94.05 A93.09		INDEX NUMBER A67.50		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 13 Apr 2010		CASE NUMBER FD-2009-00177							
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>* Change Narrative Reason + Change RE Code</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%; background-color: black; height: 60px;"></div> <div style="width: 40%; background-color: black; height: 60px;"></div> </div>									
INDORSEMENT				DATE: 4/14/2010					
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

GENERAL: The applicant appeals for upgrade of discharge to honorable and 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), with counsel, via video teleconference between Andrews AFB Maryland and Warner Robins AFB Georgia on 13 Apr 2010.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

Exhibit #6: College Transcript

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 and 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.

ISSUES:

Issue 1. Applicant contends he should not be penalized indefinitely for a mistake he made when young. The records indicated the applicant received an Article 15 for stealing a magazine and ice cream bar from the base shopette; an Article 15 for unlawfully touching a sergeant by placing his arms around her neck and body; a Letter of Reprimand (LOR) for stealing clothing from the base military clothing store; an LOR for sexually harassing several women from 1 January 1993 through 18 October 1993; and uttering a check for \$202 when he did not have sufficient funds to cover the check. The DRB found that there was no evidence he was immature or did not know right from wrong. The applicant was in his second term of enlistment and was between 23 and 24 years of age when he committed the misconduct. The Board opined that the applicant's age did not excuse his deviation from the standard of conduct expected of all airmen. The DRB further opined that through the administrative actions discussed above, 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.

Issue 2. Applicant contends the Board should take into account his post-service activities. The DRB was pleased to see that the applicant was doing well and to hear about his leadership role in the local community. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the characterization of the applicant's term of service was appropriate.

Issue 3. Applicant contends discharge was inequitable because it was too harsh due to the personal problems he was facing at the time of his discharge. The DRB appreciated the stress the applicant was under as a result of the medical diagnosis he received in April 1992. The DRB was also pleased to hear that the applicant was dealing well with his life altering illness and to hear about his leadership role in helping the State of Tennessee lawmakers develop policy to address his illness. However, the DRB opined that there was no relationship between the applicant's illness and his misconduct and concluded the characterization of the discharge received by the applicant was 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