

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

TYPE GEN

X

PERSONAL APPEARANCE

RECORD REVIEW

COUNSEL

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

YES

No

ATTN: QUEEN BAKER 1608 K STREET NW
WASHINGTON DC 20006

X

AMERICAN LEGION

MEMBER SITTING

VOTE OF THE BOARD

IIION

GEN

UOTHC

OTHER

DENY

X+*

X+*

X+*

X+*

X+*

ISSUES

A94.05

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

18 May 2010

CASE NUMBER

FD-2009-00186

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.

+ Narrative Reason

* RE Code

ENDORSEMENT

DATE: 5/18/2010

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-2009-00186
<p>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.</p> <p>The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB on 18 May 2010. The following witness also testified on the applicant's behalf: Ms. JT, applicant's mother.</p> <p>The following additional exhibits were submitted at the hearing:</p> <ul style="list-style-type: none"> Exhibit 5: Applicant's Contentions Exhibit 6: American Legion Statement Exhibit 7: Character reference letters <p>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 change of reason and authority for discharge, and change of reenlistment code.</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>ISSUE:</p> <p>Issue 1. Applicant contends discharge was inequitable because it was too harsh in light of his performance over the years. The records indicated the applicant received two Article 15 and three Letters of Counseling (LOC). The applicant did not provide responses to the first Article 15 and the three LOCs. His misconduct included purchasing alcohol for a minor (Article 92), falsely signing an official document (Article 107), failure to go, not prepared for training day, and speeding on a military installation. Both Article 15s involved underage alcohol incidents. Applicant acknowledged his misconduct in response to the last Article 15, and acknowledged all of the misconduct in response to the discharge notification. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The characterization of the discharge received by the applicant was found to be appropriate.</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.</p> <p>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>	