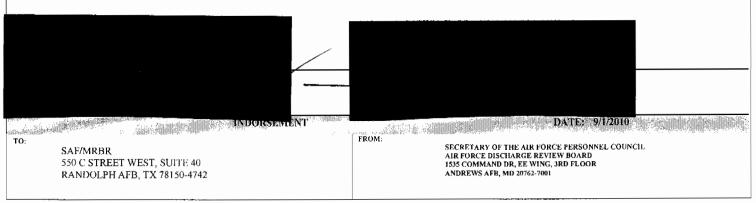
AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD									
NAME OF SERV		GRADE			AFSN/SSAN				
				SRA					
TYPE GEN	PE GEN PERSONAL APPEARANCE		X	X RECORD REVIEW					
YES No	MANE OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL.					
X									
			HEAVE:	VOTE OF THE BOARD					
	MEMBER SITTING			HON	GEN	UOTHC	OTHER	DENY	
								X	
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ISSUES A93.	.01 INDEX NU	MBER A84.00	9.184	<u> </u>	EXHIBITS SUE	CARCA MOULT	THE BOARD	SER.	
				7-7-1					
			1	4 BRIEF OF PERSONNEL FILE					
				COUNSEL'S RELEASE TO THE BOARD					
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF					
				PERSONAL APPEARANCE					
			Т	TAPE RECORDING OF PERSONAL APPEARANCE HEARING					
HEARING DATE	EARING DATE CASE NUMBER								
26 Aug 2010	FD-200	09-00191							
APPLICANT'S ISSU	E AND THE BOARD S DECISIONAL RAT	ONALE ARE DISCUSSED ON THE ATTACHE	ED ATR FORCE DISCHARG	E REVIEW	BOARD DECISIONAL	RATIONALE.		18 17 18 18 18 18 18 18 18 18 18 18 18 18 18	

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.



AR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2009-00191

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.

After a review of the record, the Board unanimously voted to grant the relief of the requested upgrade as discussed below.

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 contends that he should not be penalized indefinitely for a mistake he made when young and immature. The records also indicate member was discharged for unsatisfactory participation. The DRB recognized the applicant was 25 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. Upon review of the record, the Board was unable to find any documentation regarding the discharge. Due to lack of evidence and supporting documentation to explain the discharge, the Board concludes that the misconduct was a significant departure from the conduct expected of all military members. The Board relies on the presumption of regularity and finds the characterization; reason for discharge and the reenlistment code were appropriate.

Issue 2. The applicant stated he was told his discharge would automatically be upgraded. The Board noted the issue was common result of miscommunication, at the time of discharge, when the applicant is briefed that their discharge will automatically be upgraded after six months. While a discharge may be upgraded after six months, the upgrade is by no means automatic. A discharge is upgraded only if the applicant and the Board can establish that an inequity or impropriety took place at the time of discharge. After a thorough review of the record, the Board found no evidence to justify an upgrade of the discharge characterization, reason for the discharge or the reenlistment code.

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