

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>		
TYPE GEN	<b>X</b>	PERSONAL APPEARANCE			RECORD REVIEW		
NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No						
	<b>X</b>						
MEMBER SITTING			HON	GEN	UOTHC	OTHER	DENY
							X*+
			X+				*
			X+				*
							X*+
			X*+				
ISSUES <b>A94.06</b> <b>A93.22</b>		INDEX NUMBER <b>A67.50</b>		<div style="border: 1px solid black; padding: 2px;">1 ORDER APPOINTING THE BOARD</div> <div style="border: 1px solid black; padding: 2px;">2 APPLICATION FOR REVIEW OF DISCHARGE</div> <div style="border: 1px solid black; padding: 2px;">3 LETTER OF NOTIFICATION</div> <div style="border: 1px solid black; padding: 2px;">4 BRIEF OF PERSONNEL FILE</div> <div style="border: 1px solid black; padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</div> <div style="border: 1px solid black; padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</div> <div style="border: 1px solid black; padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</div>			
HEARING DATE <b>31 May 2012</b>		CASE NUMBER <b>FD-2010-00302</b>					

Case heard in Washington, D.C.

Advise applicant of the decision of the Board 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.

SECRETARIAL

**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, 3RD FLOOR  
ANDREWS AFB, MD 20762-7001

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2010-00302**

**GENERAL:** The applicant appeals for upgrade of the 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 31 May 2012.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

Exhibit #6: Department of Veterans Affairs Rating Decision

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

**FINDING:** The request for the upgrade of the discharge and to change the reason and authority for the discharge are granted, however the request to change the reenlistment code is denied.

**ISSUE:** Applicant received a General discharge for Misconduct – A Pattern of Misconduct

Applicant contends discharge was inequitable because it was too harsh. He believes the majority of his misconduct was related to his diagnosis of upper airway resistance syndrome while on active duty and sleep apnea by The Department of Veterans Affairs within one year of his discharge. The records indicated the applicant received one Article 15, four Letters of Reprimand, two Letters of Counseling, and one Record of Individual Counseling for misconduct. His misconduct included failure to go to duty on time (7x) and due to overindulgence of intoxicating alcohol unable to report to physical training. After a thorough and complete review of the records, the information submitted by the applicant, and the applicant's testimony the Board concluded the applicant's sleep disorder was serious enough to impair his ability to meet military standards and opined it was inequitable to discharge him prior to giving him the opportunity to meet the full benefits of treatment. The majority of the Board agreed to upgrade the discharge to honorable and change the applicant's reason and authority for discharge; however the reenlistment code will remain the same.

**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.

However, in view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority under the provisions of Title 10, USC 1553.

Attachment:  
Examiner's Brief