

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 15px;"></div>			GRADE <div style="text-align: center; font-weight: bold;">AMN</div>		AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>		
TYPE GEN	PERSONAL APPEARANCE		<b>X</b>	RECORD REVIEW			
NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No						
	<b>X</b>						
MEMBER SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
							X
							X
							X
							X
							X
ISSUES <div style="margin-left: 20px;">A92.35 A93.01</div>			INDEX NUMBER <div style="margin-left: 20px;">A67.10</div>		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 <div style="margin-left: 20px;">12 Jan 2012</div>			CASE NUMBER <div style="margin-left: 20px;">FD-2010-00314</div>				
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>							
TO: <div style="margin-left: 20px;">SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</div>				FROM: <div style="margin-left: 20px;">SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7001</div>			

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2010-00314**

**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.

**FINDING:** The Board denies the upgrade of the discharge.

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:** The Applicant received a General discharge for Misconduct, Minor Disciplinary Infractions. Although not explicitly stated, applicant contends that he should not be penalized indefinitely for mistakes he made when he was young and immature. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The record indicates the applicant received an Article 15, seven Letters of Reprimand, and a Letter of Counseling for misconduct. His misconduct included failure to report (3x), failure to go (3x), absent from duty without authority for seven days, failed to obey order 2 (x), and sleep on duty. The Board opined that through these administrative actions, the applicant had ample opportunities to change his behavior. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The DRB noted that when the applicant applied for these benefits, he signed a statement DD Form 2366; on October 10, 2010 that he understood he must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

**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