

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																															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>		YES	No	X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL																													
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X																																					
		QUEEN BAKER		American Legion 1608 K Street Nw Washington DC 20006																																	
<div style="text-align: center; border-bottom: 1px solid black; margin-bottom: 5px;">MEMBER SITTING</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border-left: 1px solid black; border-right: 1px solid black; height: 100px; position: relative;"> <div style="position: absolute; top: 0; left: 0; right: 0; bottom: 0; background: linear-gradient(to top right, transparent 49%, black 49%, black 51%, transparent 51%); background-size: 4px 4px;"></div> </div> <div style="width: 55%; border-left: 1px solid black; height: 100px;"></div> </div>				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">HON</th> <th style="width: 10%;">GEN</th> <th style="width: 10%;">UOTHC</th> <th style="width: 10%;">OTHER</th> <th style="width: 10%;">DENY</th> </tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> </table>				HON	GEN	UOTHC	OTHER	DENY					X**					X**					X**					X**					X**
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12 Jul 2012		FD-2010-00356																																			
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>*Narrative Reason and Authority +RE Code</p>																																					
TO:				FROM:																																	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				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-2010-00356

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.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB on 12 Jul 2012.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

Exhibit #6: Personal Statement from Applicant

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, to change of reason and authority for discharge, and to change the reenlistment code are denied.

ISSUE: Applicant received a General discharge for Misconduct – Minor Disciplinary Infractions

Applicant states that his discharge did not take into account the good things he did while in the service. Additionally, he submits that he would like a second chance despite his discrepancies so that he may serve his country in the United States military again. The record indicated the applicant received one Article 15, one Vacation, and one Letter of Reprimand. His misconduct included ticketed by civilian law authorities for improper use of lane straddling a center line, driving while intoxicated, and fled apprehension from base security force patrolman. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.

The DRB was pleased to see that the applicant was doing well, graduated college, and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on July 8, 2004) 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