

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 15px; margin-top: 5px;"></div>				GRADE 		AFSN/SSAN <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>		
TYPE GEN		PERSONAL APPEARANCE		X		RECORD REVIEW		
NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES		No						
X								
MEMBER SITTING				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								X
								X
								X
								X
								X
ISSUES <div style="margin-top: 10px;">A92.35 A94.55</div>				INDEX NUMBER <div style="margin-top: 10px;">A67.00</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-top: 5px;">12 Jan 2012</div>				CASE NUMBER <div style="margin-top: 5px;">FD-2010-00386</div>				
AFFIDAVIT ISSUED BY THE BOARD'S DECISIONAL RATIONALE 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-top: 5px;">SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</div>				FROM: <div style="margin-top: 5px;">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-2010-00386

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: Applicant received a General discharge for Misconduct---Other.

The applicant states his discharge was inequitable because it was based on two isolated incidents in 59 months of service with no other adverse actions. Subject contends both incidents were unrelated and occurred 36 months apart from each other. The record states the applicant received an Article 15 dated 8 September 2008 for wrongfully using your Government Travel Card for other than official travel related expenses between on or about 12 April 2009 and on or about 17 July 2009. Unfortunately, applicant's discharge processing file was unavailable to the Board for review due to being missing from record. Because member's discharge file was unavailable to the Board for review, the Board was unable to conclusively ascertain the nature of misconduct on member's part that formed the basis for the discharge. The Board also could not determine if member consulted counsel or submitted statements in his own behalf at the time of discharge. Since there was no evidence to substantiate any inequities or improprieties, the Board relies on the presumption of regularity and finds the discharge proper and without basis for upgrade.

The Board highly recommends that if the applicant can provide additional documented information to substantiate their issue(s), that he should consider exercising their right to make a personal appearance before the Board. If the applicant chooses to exercise this right, he should be prepared to provide the DRB with factual evidence of the inequity/impropriety and any exemplary post-service accomplishments as well as any contributions to the community.

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