

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		PERSONAL APPEARANCE				X RECORD REVIEW				
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL				
X										
MEMBER SITTING						VOTE ON THE BOARD				
						HON	GEN	UOTHC	OTHER	DENY
										X
										X
										X
										X
										X
ISSUES A94.53		INDEX NUMBER A67.10				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 26 Jan 2012		CASE NUMBER FD-2010-00430								
<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: 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, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7001						

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2010-00430

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.

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

Applicant submitted no issues regarding the inequity or impropriety of his discharge. The record indicates the applicant received one Article 15, five Letters of Reprimand, and a Record of Individual Counseling. His misconduct included failure to perform interior inspections of a facility, failed to complete physical training test, failed to follow leave procedures, failed to go to duty on time, drove with a suspended license, failed to prepare for deployment, with intent to deceive made a false statement, failed to execute duties, failed to wear required gear, and apprehended by civilian authorities for driving while intoxicated, failing to maintain lane and driving with a suspended license. 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 Board reviewed the entire record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge.

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 September 12, 2006) 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