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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2008-00555

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 (Primary) and Failure in the Weight Control Program – Exceeding Body Fat Standards

Applicant contends discharge was inequitable because he was held past his original date of separation (DOS) due to Stop Loss. The records indicated the applicant received one Article 15 and two Letters of Reprimand for misconduct. This misconduct included failed to go to duty on time (2x) and failed to complete assigned duties. The applicant also received three Letters of Reprimand and one Letter of Admonishment for failure to lose one percent body fat or five pounds per month while enrolled in the Air Force Weight and Body Fat Management Program. After a thorough and complete review of the records, the Board found that although the applicant's misconduct and weight program failures occurred after his original (DOS), he still had an obligation to uphold military standards of conduct regardless of the reason he was retained on active duty. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded that the negative aspects of the applicant's service outweighed the positive contributions he made in his Air Force career. The characterization of the discharge received by the applicant was found to be appropriate.

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 December 22, 1997) 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.

The Board highly recommends that if the applicant can provide additional documented information to substantiate his issues, that he should consider exercising his 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 accomplishment 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