

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 AMN		AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px; margin-top: 5px;"></div>																	
TYPE UOTHC		PERSONAL APPEARANCE		X		RECORD REVIEW																	
YES		No		NAME OF COUNSEL AND OR ORGANIZATION																			
X																							
MEMBER SITTING				ADDRESS AND OR ORGANIZATION OF COUNSEL																			
				HON				GEN				UOTHC				OTHER				DENY			
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ISSUES A94.05				INDEX NUMBER A67.50				<div style="background-color: black; height: 20px; margin-bottom: 5px;"></div> <div>1 ORDER APPOINTING THE BOARD</div> <div>2 APPLICATION FOR REVIEW OF DISCHARGE</div> <div>3 LETTER OF NOTIFICATION</div> <div>4 BRIEF OF PERSONNEL FILE</div> <div>COUNSEL'S RELEASE TO THE BOARD</div> <div>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</div> <div>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</div>															
HEARING DATE 08 May 2012				CASE NUMBER FD-2009-00266																			

Case heard in Washington, D.C.

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.

Names and votes will be made available to the applicant at the applicant's request.

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2009-00266

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 an Under Other Than Honorable Conditions (UOTHC) discharge for misconduct – A Pattern of Misconduct

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received two Article 15s, one Letter of Reprimand and one Record of Individual Counseling. His misconduct included four months delinquent on Delayed Payment Program account, possession of alcohol while underage, violated military dress code, stole six compact discs from AAFES, conspired with another airman to commit larceny, attempted to assault another airman with a vehicle, and failed to pay just debt. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the applicant's misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

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