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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2009-00485

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

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.

ISSUES:

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 for underage drinking, and that he also had a charge of driving while intoxicated. Applicant contends his alcoholism contributed greatly to his misconduct, and that it was brought on by the stress of being in the military. He further states he was not "properly counseled" for his "disease." Upon review of the record, the Board was unable to find any documentation regarding the discharge, or applicant's medical condition(s). Due to lack of evidence and supporting documentation to explain the discharge, the Board concludes that the misconduct was a significant departure from the conduct expected of all military members. The Board relies on the presumption of regularity and finds the characterization; reason for discharge and the reenlistment code were appropriate.

Issue 2. Applicant infers that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, 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.

Issue 3. The DRB recognized the fact that the applicant had served over 4 years total service before he was discharged, but concluded the his misconduct outweighed the positive aspects of his time in the Air Force.

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

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004 OMB approval expires Oct 31, 2009

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

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ARMY	NAVY AND MARINE CORPS
Army Review Boards Agency Support Division, St. Louis	Naval Council of Personnel Boards 720 Kennon Street, S.E.
9700 Page Avenue St. Louis, MO 63132-5200	Room 309 (NDRB) Washington Navy Yard, DC 20374-5023
(See http://arba.army.pentagon.mil)	
AIR FORCE	COAST GUARD
Air Force Review Boards Agency SAF/MRBR	U.S. Coast Guard Commandant (CG-122)
550-C Street West, Suite 40	2100 Second Street, S.W. Room 5500
Randolph AFB, TX 78150-4742	Washington, DC 20593

DEPARTMENT OF THE AIR FORCE AIR FORCE DISCHARGE REVIEW BOARD ANDREWS AFB, MD

AFDRB BRIEF											
NAME (Last, First, MI):		SSN:			DOCKET# FD-2009-0048		85	COMPONENT: USAF			
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APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

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a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

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13. CONTINUATION OF ITEM 6, ISSUES (If applicable) I ALSO BELIEVE THAT THE NARRATIVE REASON FOR MY DISCHARGE MISCONTUCT, IS IMPROPER. MY ONLY DEFICIENCY WAS ALCOHOLISM. I BELIEVE I' AQUIRED THIS DISEASE DUE TO STREES WHILE IN SERVICE . I FEEL I WAS NOT PROPERLY COUNSELED FOR MY DISEACE . THEREFORE, I WOULD LIKE THE BOARD TO PLEASE CHANGE REASON FOR DISCHARGE TO "AQUIRED DISEASE" 14. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable) 12 15. REMARKS (If applicable) MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW. **ARMY NAVY AND MARINE CORPS** Army Review Boards Agency Naval Council of Personnel Boards Support Division, St. Louis 720 Kennon Street, S.E. 9700 Page Avenue Room 309 (NDRB) St. Louis, MO 63132-5200 Washington Navy Yard, DC 20374-5023 (See http://arba.army.pentagon.mil) AIR FORCE **COAST GUARD** Air Force Review Boards Agency U.S. Coast Guard Commandant (CG-122) SAF/MRBR 550-C Street West, Suite 40 2100 Second Street, S.W. Room 5500 Randolph AFB, TX 78150-4742 Washington, DC 20593 **DD FORM 293, NOV 2006** Page 2 of 4 Pages