

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

SRA

AFSN/SSAN

TYPE

X

PERSONAL APPEARANCE

RECORD REVIEW

COUNSEL
YES No

NAME OF COUNSEL AND OR ORGANIZATION

ADDRESS AND OR ORGANIZATION OF COUNSEL

X

MEMBER SITTING

VOLE OF THE BOARD

HON

GEN

UOTHC

OTHER

DENY

X

+*

X+

*

X*+

X

+*

X

+*

ISSUES

A93.11
A93.01
A93.07

INDEX NUMBER

A49.00
A62.00

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

02 Feb 2012

CASE NUMBER

FD-2009-00522

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in Washington, D.C.

Advise applicant of the decision of the Board

* CHANGE RE CODE

ETARIAL

INDORSEMENT

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-2009-00522

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 appeared and testified before the Discharge Review Board (DRB), with counsel, at Andrews AFB on 02 Feb 2012.

The following additional exhibits were submitted at the hearing:

Exhibit 5: Letters of Justification

Exhibit 6: Credit Card Status

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDING: The discharge is upgraded to general. Change of reason and authority for discharge and change of reenlistment code are denied.

The Board finds evidence in the record to substantiate an impropriety that would justify a change of discharge.

ISSUE: The applicant was discharged with an under other than honorable conditions (UOTHC) for Fraudulent Entry (primary) and Substandard (Unsatisfactory) Performance (secondary). Applicant wants upgrade of his discharge to enlist into the Alabama Army national Guard. The record indicates the Applicant did, on or about 3 July 2002, make a deliberate, material, misrepresentation, on a DD Form 1966, record of Military Processing Armed Forces of the United States, by certifying that he had not misused any government travel card or had been seriously delinquent in the payment of any government travel card, when in fact he had an outstanding balance of more \$1100; a fact which if known at the time might have resulted in rejection of his enlistment. The applicant testified that he was going thru a financial hardship, a long drawn out divorce and custody battle, and not being able to find a job to take care of his responsibilities. Applicant admits to using his government charge card that he still had in his possession after separating from the U.S Navy Reserves to purchase items and food until he was able to find work. Applicant also testified that the Air Force recruiter was aware that he owed money on his government travel card. Applicant did provide evidence that he paid his government charge card in full on 27 January 2003. 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 DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Although not specifically stated, applicant contends that he should not be penalized indefinitely for mistakes he made when he was young. The DRB recognized the applicant was 30 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The Board opined the applicant was older than the vast majority of first-term members who properly adhere to the Air Force's standards of conduct. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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.

However, after review of the record, the Board finds that the applicant discharge is incorrect, and should reflect with an under honorable conditions (general) discharge, not an under other than honorable conditions (UOTHC).

Attachment:
Examiner's Brief