

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)			GRADE		AFSN/SSAN					
<b>TYPE</b>	<b>GEN</b>	<b>PERSONAL APPEARANCE</b>			<b>X</b>	<b>RECORD REVIEW</b>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="height: 20px;"></td> <td style="text-align: center;"><b>X</b></td> </tr> </table>		YES	No		<b>X</b>	NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No									
	<b>X</b>									
<b>MEMBER SITTING</b>					<b>VOTE OF THE BOARD</b>					
					HON	GEN	UOTHC	OTHER	DENY	
									X	
									X	
									X	
									X	
									X	
ISSUES <b>A94.05</b>		INDEX NUMBER <b>A67.10</b>			<b>EXHIBITS SUBMITTED TO THE BOARD</b>					
					<b>1</b>	ORDER APPOINTING THE BOARD				
					<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE				
					<b>3</b>	LETTER OF NOTIFICATION				
					<b>4</b>	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 <b>24 Aug 2012</b>		CASE NUMBER <b>FD-2010-00036</b>								
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE										
<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>										
<div style="background-color: #cccccc; text-align: center; font-weight: bold; margin-bottom: 5px;">ENDORSEMENT</div> <b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				<b>FROM:</b> <div style="text-align: center; font-size: small;"> SEC...  AIR FORCE DISCHARGE REVIEW BOARD  1535 COMMAND DR, EE WING, 3RD FL  ANDREWS AFB, MD 20762-7001 </div>						



**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2010-00036**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable.

IAW AFI 36-3213, the applicant was offered a personal appearance before the Discharge Review Board (DRB), however failed to make a timely response to the Board's notification of a scheduled hearing. Therefore it has been deemed that the applicant has waived his right to a personal appearance and the DRB completed a review of the discharge based on the available service records.

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

While not explicitly stated, the applicant contends discharge was inequitable because it was too harsh because the discharge was based on multiple write-ups because of physical training (PT) alone. The records indicated the applicant received one Article 15, eight Letters of Reprimand, and three Records of Individual Counseling. His misconduct included with intent to deceive made false statement to security forces official, assaulted an airman, disobeyed an order, acted in an insubordinate manner, failed to report to PT (3x), made false statement (2x), with intent to deceive allowed underage civilian to use his ID to enter an establishment that he was not authorized to enter, failed to report for a formation, made false statement claiming to have an appointment for sick call, failed in escort duties by abandoning the civilian that needed to be escorted, left duty section without authority, failed to pay just debts, absent from place of duty without authorization, and failed to report on time for duty (2x). 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, dated November 28, 2000) 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

