

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSN/SSAN																																		
TYPE GEN		PERSONAL APPEARANCE			X	RECORD REVIEW																																		
NAME OF COUNSEL AND OR ORGANIZATION					ADDRESS AND OR ORGANIZATION OF COUNSEL																																			
YES	No																																							
	X																																							
<div style="text-align: center; font-weight: bold;">MEMBER SITTING</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> </div> <div style="width: 55%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">HON</th> <th style="text-align: center;">GEN</th> <th style="text-align: center;">UOTHC</th> <th style="text-align: center;">OTHER</th> <th style="text-align: center;">DENY</th> </tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> <tr><td></td><td></td><td></td><td></td><td style="text-align: center;">X**</td></tr> </table> </div> </div>											HON	GEN	UOTHC	OTHER	DENY					X**					X**					X**					X**					X**
HON	GEN	UOTHC	OTHER	DENY																																				
				X**																																				
				X**																																				
				X**																																				
				X**																																				
				X**																																				
ISSUES <b>A94.53</b>		INDEX NUMBER <b>A67.90</b>			<div style="text-align: center; font-weight: bold;">EXHIBITS SUBMITTED TO THE BOARD</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>BRIEF OF PERSONNEL FILE</td></tr> <tr><td></td><td>COUNSEL'S RELEASE TO THE BOARD</td></tr> <tr><td></td><td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td></tr> <tr><td></td><td>TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td></tr> </table>			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																			
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 <b>06 Sep 2012</b>		CASE NUMBER <b>FD-2010-00057</b>																																						
<div style="text-align: center; font-weight: bold; background-color: #cccccc;">APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</div> <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> <p>*Narrative Reason and Authority +RE Code</p>																																								
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>TO:</p> <p>SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</p> </div> <div style="width: 45%;"> <p>FROM:</p> <p>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7001</p> </div> </div>																																								

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2010-00057**

**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 request for the upgrade of the discharge, to change the reason and authority for discharge, and to change the reenlistment code are denied.

**ISSUE:** Applicant received a General discharge for A Pattern of Misconduct – Conduct Prejudicial to Good Order and Discipline

Applicant submitted no issues regarding the inequity or impropriety of his discharge. The applicant does submit that he would like a second chance despite his discrepancies so that he may serve his country in the United States Army. The record indicates the applicant was convicted under a summary court martial and received one Article 15. His misconduct included failure to obey a no contact order (2x), disobeyed an order to remain on base and made a false statement. The Board opined that through these administrative actions, the applicant had ample opportunities to change his behavior. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board reviewed the entire record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge.

**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