

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>		
TYPE GEN	<b>X</b>	PERSONAL APPEARANCE			RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	No						
	<b>X</b>						
MEMBER SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTHC	OTHER	DENY
							X**
			X**				
							X**
			X**				
ISSUES <b>A92.02</b>		INDEX NUMBER <b>A67.50</b>		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 <b>31 Jan 2012</b>		CASE NUMBER <b>FD-2010-00072</b>					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCLOSED TO THE APPLICANT AND THE APPLICANT'S REQUEST FOR DISCHARGE OR RE-EVALUATION OF DISCHARGE STATUS.							
<p>Case heard in Washington, D.C.</p> <p>Advise applicant of the decision of the Board.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>+ CHANGE RE CODE</p> <p>* CHANGE REASON AND AUTHORITY TO SECRETARIA</p>							
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-2010-00072**

**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), without counsel, at Andrews AFB on 31 Jan 2012.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

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

**FINDING:** The Board grants the requested relief.

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

Applicant contends discharge was inequitable in comparison to his overall service. The records indicated the applicant received one Article 15, one Vacation, two Letters of Reprimand, one Record of Individual Counseling and one Memorandum for Record for misconduct. His misconduct included failed to report for contingency training, failed to report on time to place of duty, failed to pay military Star Card (2x), failed to report on time to the gym, left place of duty without authority, failed to follow work instructions to accomplish a task, and violated a profile order. After a thorough and complete consideration of the information submitted by the applicant, the applicant's compelling testimony, and the information contained in the record the Board found the Vacation action received by the applicant on Jun 7, 2007 to be improper. The Vacation was based on the applicant failing to refrain from moving a bridge on or about April 16, 2007 while on a restrictive medical profile. The applicant received a medical profile on April 10, 2007 with an expiration of May 8, 2007. The only restrictions noted on the profile were that the applicant could not engage in sit-ups. The Board opined that the Vacation action was what prompted the commander to initiate discharge. Although the Board did not condone the applicant's behavior, they concluded the misconduct was minor in nature compared to his overall service and he should have been given the opportunity to rehabilitate.

**CONCLUSION:** The Discharge Review Board concludes that the discharge was inconsistent with the procedural and substantive requirements of the discharge regulation and finds the applicant was not provided full administrative due process.

In view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge, the reason for the discharge is more accurately described as Secretarial Authority and the reenlistment code changed to 3K under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief