

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100px; height: 15px;"></div>			GRADE		AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>					
TYPE GEN	<b>X</b>	PERSONAL APPEARANCE			RECORD REVIEW					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50px;">YES</td> <td style="width: 50px;">No</td> </tr> <tr> <td></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>									
VOTE OF THE BOARD										
			HON	GEN	UOTHC	OTHER				
						X**				
						X**				
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ISSUES <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>A94.11</b>  <b>A92.21</b>  <b>A93.11</b>  <b>A93.33</b> </div> <div style="width: 45%;"> <b>A67.10</b>  <b>A47.00</b> </div> </div>			EXHIBITS SUBMITTED TO THE BOARD <div style="border: 1px solid black; padding: 2px;">1 ORDER APPOINTING THE BOARD</div> <div style="border: 1px solid black; padding: 2px;">2 APPLICATION FOR REVIEW OF DISCHARGE</div> <div style="border: 1px solid black; padding: 2px;">3 LETTER OF NOTIFICATION</div> <div style="border: 1px solid black; padding: 2px;">4 BRIEF OF PERSONNEL FILE</div> <div style="border: 1px solid black; padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</div> <div style="border: 1px solid black; padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</div> <div style="border: 1px solid black; padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</div>							
HEARING DATE <b>14 Feb 2012</b>		CASE NUMBER <b>FD-2010-00183</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 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</p> <p>+RE Code</p>										
DATE: 2/14/2012										
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-2010-00183**

**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 14 Feb 2012.

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.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

**ISSUE:** Applicant received a General discharge for Misconduct – Minor Disciplinary Infractions

Issue 1. 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, on November 04, 1996) 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.

Issue 2. Applicant contends he was treated unfairly by his supervisor, SSgt S.E. The applicant freely admits his misconduct was wrong, but conveyed feelings that his actions were dealt with more harshly than his co-workers. The applicant stated that he did not elevate his concerns regarding his supervisor. The record indicates the applicant received three Records of Individual Counseling (RIC), one Letter of Admonishment, two Letters of Counseling, and four Letters of Reprimand, six of which were submitted by SSgt S.E. While a personality conflict may have existed between the applicant and SSgt S.E., the applicant submitted no evidence to support this claim and the record indicates the actions taken were appropriate to the applicant's repeated misconduct.

Issue 3. Applicant cites his post discharge conduct as rationale for an upgrade. The DRB was pleased to see that the applicant was pursuing further education 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.

**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