

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE <div style="text-align: center; font-size: 1.2em;">AB</div>		AFSN/SSAN		
TYPE GEN		<input checked="" type="checkbox"/> X		PERSONAL APPEARANCE		RECORD REVIEW		
YES		No		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
<input checked="" type="checkbox"/> X								
MEMBER SITTING				HON	GEN	UOTHC	OTHER	DENY
								X+*
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ISSUES A92.21 A93.01 A94.55		INDEX NUMBER A67.00		<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 08 Mar 2012		CASE NUMBER FD-2010-00228						
<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>								
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-2010-00228**

**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 08 Mar 2012.

The following additional exhibits were submitted at the hearing:

- Exhibit 6: American Legion Statement
- Exhibit 7: Character Letter from employment
- Exhibit 8: Character Letter from parent
- Exhibit 9: College Transcripts

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

**FINDING:** Upgrade of the discharge, change of reason and authority for discharge, and change of reenlistment code are denied.

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:** The record indicates that the applicant was discharged for Misconduct. Applicant contends discharge was inequitable because it was too harsh. Applicant acknowledges that he made mistakes and other incidents that are discreditable in nature. He also stated that he regrets these mistakes that resulted from his youth and immaturity, which ended his military career. The record indicates the applicant received two Article 15s. His misconduct included drinking underage (2x), damage to AAFES property, drunk and disorderly, assaulted another airman, and altering military ID card. Applicant testified that he takes full responsibility for all of his misconduct. He also testified that after the first Article 15 that he attended ADAPT counseling and Anger Management. Applicant also testified that his supervisors didn't support him and didn't recognize him for his work in getting rid of a three year backlog while working in the inspection shop of the Depot Squadron. He also testified that after not being recognized for helping get rid of the three year backlog and not getting a chance to PCS he lost focus on his Air Force career. The Board opined that through these administrative actions, the applicant had ample opportunities to change his behavior. The DRB further agreed that based on the overall evidence provided and the member's testimony, the applicant's characterization of service and reason for discharge were accurate reflection of the egregiousness of his misconduct. The Board reviewed the entire record and found no evidence of impropriety or inequity to warrant an upgrade of the discharge.

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 May 15, 2002) 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.

Applicant contends that he should not be penalized indefinitely for mistakes he made when he was young. The DRB recognized the applicant was 21 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.

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.

**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