

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 150px; height: 15px;"></div>					GRADE <div style="text-align: center; font-size: 1.2em;">AB</div>		AFSN/SSAN <div style="background-color: black; width: 80px; height: 15px;"></div>						
TYPE GEN		X		PERSONAL APPEARANCE			RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No												
	X												
MEMBER SITTING					VOTE OF THE BOARD								
					HON	GEN	UOTHC	OTHER	DENY				
									X+*				
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ISSUES <div style="margin-left: 20px;">A93.19</div> <div style="margin-left: 20px;">A92.21</div> <div style="margin-left: 20px;">A93.01</div>					INDEX NUMBER <div style="margin-left: 20px;">A67.10</div>					EXHIBITS SUBMITTED TO THE BOARD <div style="margin-left: 5px;">1 ORDER APPOINTING THE BOARD</div> <div style="margin-left: 5px;">2 APPLICATION FOR REVIEW OF DISCHARGE</div> <div style="margin-left: 5px;">3 LETTER OF NOTIFICATION</div> <div style="margin-left: 5px;">4 BRIEF OF PERSONNEL FILE</div> <div style="margin-left: 5px;">COUNSEL'S RELEASE TO THE BOARD</div> <div style="margin-left: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</div> <div style="margin-left: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</div>			
HEARING DATE 29 Mar 2012					CASE NUMBER FD-2010-00262								
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>+Narrative Reason</p> <p>*Reenlistment Code</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-2010-00262

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 29 Mar 2012.

The following additional exhibits were submitted at the hearing:

Exhibit 6: Personal Statement and character letters

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 applicant was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions. The applicant takes full responsibility for all of his misconduct and would like a second chance to reenlist in the Armed Forces. The record indicates the applicant received two Article 15s and two Letters of Reprimand. His Misconduct included DUI (2x), failure to pay just debt, and failure to obey order not to operate a vehicle on or off Aviano Air Force Base for two years. The applicant did submit a response to his discharge action on 7 August 2003 and he also consulted with military counsel. The applicant testified that since leaving the Air Force he has stopped drinking and has no alcohol related offenses. He also testified that he did attend the ADAPT program, he referred to the ADAPT program as a joke and does not remember why he stopped going to the program. 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 also stated that he requested that his first Article 15 for DUI on 25 September 2002 be set aside, he states that he did not disobey a direct order when he drove his vehicle using his AFI license because the unit was at fault for not ensuring that he physically surrendered his AFI license. The applicant signed an acknowledgement letter from the Deputy Mission Support Group Commander suspending his AFI license for two years. The applicant's counsel raised the question of whether the Article 15 violates Air Force policy against double punishment. In short, the fine the applicant paid to the Italian judicial system was a civil fine, not a criminal fine, and thus does not amount to double jeopardy. 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.

Applicant states that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons which were the basis for this case.