

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE		AFSN/SSAN [REDACTED]																													
TYPE GEN		PERSONAL APPEARANCE		X	RECORD REVIEW																												
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ISSUES <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> A94.53 A01.43 </div> <div style="width: 45%; text-align: right;"> 0.00 </div> </div>		1		ORDER APPOINTING THE BOARD																													
		2		APPLICATION FOR REVIEW OF DISCHARGE																													
		3		LETTER OF NOTIFICATION																													
		4		BRIEF OF PERSONNEL FILE																													
		5		COUNSEL'S RELEASE TO THE BOARD																													
		6		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE																													
7		TAPE RECORDING OF PERSONAL APPEARANCE HEARING																															
HEARING DATE 18 May 2012		CASE NUMBER FD-2010-00269																															

Case heard in Washington, D.C.

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.

Names and votes will be made available to the applicant at the applicant's request.

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-2010-00269

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 Board denies the upgrade of the discharge.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE: Applicant received a General discharge for Misconduct – (Paragraph Unknown).

Applicant submitted no issues regarding the inequity or impropriety of his discharge and takes responsibility for the mistakes he made in the past. The applicant does submit that he believes he deserves a second chance despite his discrepancies to take advantage of the GI Bill and to continue to become a better citizen. The record indicates the applicant received two Article 15s for misconduct. Acts of misconduct cited in the record include commission of adultery with another airman and failure to obey an order regarding being in an unauthorized location during restricted hours. Upon review of the record, the Board was unable to find any documentation regarding the discharge. Due to lack of evidence and supporting documentation to explain the discharge, the Board concludes that the misconduct was a significant departure from the conduct expected of all military members. The Board relies on the presumption of regularity and finds the characterization, reason for discharge, and the reenlistment code were appropriate.

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) 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.

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