

# 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	
<b>TYPE GEN</b>	<b>X</b>	<b>PERSONAL APPEARANCE</b>		<b>RECORD REVIEW</b>		
<b>COUNSEL</b>		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL		
YES	No					
	<b>X</b>					
<b>MEMBER SITTING</b>				<b>VOTE OF THE BOARD</b>		
				HON	GEN	UOTHC
						X+*
						X+*
						X+*
						X+*
						X+*
ISSUES <div style="margin-top: 5px;">A92.21 A93.01 A94.55</div>		INDEX NUMBER <div style="margin-top: 5px;">A67.10</div>		<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
				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 <div style="margin-top: 5px;">22 May 2012</div>		CASE NUMBER <div style="margin-top: 5px;">FD-2010-00270</div>				
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, the right to a personal appearance with/without counsel, 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 *Reenlistment Code</p>						
MENT				2		
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		

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2010-00270</b>
<p><b>GENERAL:</b> The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.</p> <p>The applicant appeared and testified before the Discharge Review Board (DRB), without) counsel, at Andrews AFB on 22 May 2012. The following witness also testified on the applicant's behalf: Mr. Gary Oehrle (father).</p> <p>The following additional exhibits were submitted at the hearing:</p> <p style="padding-left: 40px;">Exhibit 5: Applicant's Statement</p> <p style="padding-left: 40px;">Exhibit 6: Applicant's Father's Statement</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p><b>FINDING:</b> Upgrade of the discharge, change of reason and authority for discharge, and change of reenlistment code are denied.</p> <p>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.</p> <p><b>ISSUE:</b> The applicant was discharged with an under honorable conditions (general) discharge for minor disciplinary infractions. Applicant contends discharge was inequitable because it was too harsh. The applicant wishes to have his discharge upgraded so that he could reenlist in the Air Force or join another branch of the military. The applicant admits that he was young and made mistakes during his enlistment. The record indicated the applicant received two Article 15s and four Letters of Reprimand. His misconduct included disobeying an order not to drive on base, disobeying no contact order, failure to follow instruction which resulted in damage to a vehicle and injury to applicant and another airman, plead guilty to DUI, failure to brief at Guard mount, and late for duty. 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.</p> <p>The applicant contends that he was charged with actual physical control, not DUI. However according to the State of North Dakota, the applicant was charged with Driving Under the Influence of Liquor or Drugs. The applicant was charged on 30 November 2003 with a Class B misdemeanor. Therefore the board concluded there were no improprieties with the applicant's DUI charge. The applicant received an Article 15 dated 13 September 2004 for disobeying an order not to drive on base. The applicant testified that he was not driving on base; however the applicant did accept the Article 15 punishment. The applicant testified that he was not driving in the vehicle rollover; however he did receive a Letter of Reprimand dated 17 May 2004 for not following instructions and dereliction of duties as the driver's wingman. The applicant testified that he takes full responsibility for violating the no contact order. 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.</p> <p>Although not specifically stated, applicant contends that he should not be penalized indefinitely for mistakes he made when he was young. The DRB recognized the applicant was 19 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</p>	