

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>			
TYPE	GEN	PERSONAL APPEARANCE			X	RECORD REVIEW		
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	No							
	X							
				VOTE OF THE BOARD				
				HON	GEN	UOTHC	OTHER	DENY
								X*+
								X*+
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ISSUES A94.05		AU/10		EXHIBITS SUBMITTED TO THE BOARD				
				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 01 Dec 2011		CASE NUMBER FD-2010-00270						
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 for Authority</p>								
INDORSEMENT				DATE: 3/15/2012				
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-2010-00270

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 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 request for the upgrade of the discharge, to change of reason and authority for discharge, and to change of reenlistment code are denied.

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

Although not explicitly stated, the applicant believes his discharge was inequitable because it was too harsh. The applicant stated he should have received an honorable discharge under the Force Shaping program. The Board noted that even though the applicant may have been selected for discharge under Force Shaping, an administrative discharge based on misconduct took precedence over the Force Shaping discharge. Additionally, the applicant submits that he would like a second chance despite his discrepancies so that he may serve his country in the United States military again. The record indicates the applicant received two Article 15s, and four Letters of Reprimand. His misconduct included driving under the influence, failed to brief at guard mount, late for duty, failed to follow instructions which resulted in damage to a vehicle and injury to the applicant, disobeyed a no contact order, and disobeyed an order not to drive on base. 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.

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