

# 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	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE		RECORD REVIEW					
NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>			YES	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
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ISSUES <div style="display: flex; justify-content: space-between;"> <span>A92.15</span> <span>A92.21</span> </div>			INDEX NUMBER <div style="display: flex; justify-content: space-between;"> <span>A67.10</span> </div>		<div style="background-color: black; width: 100%; height: 15px;"></div>					
			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 May 2012			CASE NUMBER FD-2010-00271							

Case heard in Washington, D.C.

Advise applicant of the decision of the Board 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.

\*Narrative Reason

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
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2010-00271**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Andrews AFB on 01 May 2012.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Applicant's Contentions

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 and change of reason and authority for the discharge is 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:** Applicant received a General discharge for Misconduct – Multiple Disciplinary Infractions.

Applicant contends discharge was improper because two of the three documents which were the basis for his discharge were not in accordance with Air Force Instructions. The record indicates the applicant received a two Article 15s and a Letter of Reprimand. Acts of misconduct include making a false statement with intent to deceive, absent without authority on divers occasions, signing official record with intent to deceive, and failure to attend a PT test. He contends he was mislabeled as a trouble maker early on and was never able to overcome this perception. He contends his overall record, minus the LOR and the second Article 15, shows his negative behavior is outweighed by his positive contributions both before and since his discharge. The record shows the Letter of Reprimand was for failure to attend a physical training (PT) test. Applicant contends he was not due for a PT test because he had tested within six months. He submits he was given conflicting information regarding this test. The record indicates applicant received notification of the test by email and when he turned in his fitness questionnaire. The record and documents submitted by the applicant do not support his claim the LOR was improper or inequitable. The second Article 15, the one he contests, was issued for making a false statement to a noncommissioned officer with intent to deceive. In his testimony, applicant admitted altering his quarters slip "to showcase nothing is being investigated," the very action cited in the Article 15. The Board reviewed the record, the applicant's sworn testimony, both written and verbal, and found no evidence to substantiate an inequity or an impropriety in actions taken by applicant's chain of command. The DRB opined that through the administrative actions taken, the applicant had ample opportunities to change his negative behavior. The Board concluded that the seriousness of the applicant's willful misconduct outweighed the positive contributions he made in his Air Force career.

Regarding the applicant's post service conduct, the DRB was pleased to hear that the applicant was moving forward in his life and preparing to take a new 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.

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