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## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2010-00292

**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 26 Jun 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, change of reason and authority for discharge, and change of reenlistment code.

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:

Issue 1. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade and believes she has missed out on several job opportunities due to the characterization of her discharge. The record indicated the applicant received one Article 15, two Letters of Reprimand (LOR) and one Letter of Counseling (LOC). The Article 15 and LORs were as a result of misconduct that the applicant admitted to during sworn testimony. The Board opined that the LOC was not a result of member's own misconduct and was considered as a matter of impropriety when used in the characterization of her discharge. However, the DRB noted that when the applicant applied for the G.I. Bill benefits, she signed a statement (DD Form 2366, on August 17, 2005) that she understood she must receive an Honorable discharge to receive future educational entitlements. The Board was sympathetic to the impact the loss of the G.I. Bill benefits was having on the applicant, but regardless of the impropriety of the LOC, based on the entire record the DRB found no inequity or impropriety which would warrant an upgrade.

Issue 2. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in her discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized her term of service.

**CONCLUSION:** The majority of 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.

A minority of the Discharge Review Board opined that the discharge was too harsh based on the minor disciplinary infractions of the applicant over a short period of time.

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