

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSN/SSAN							
TYPE GEN		X		PERSONAL APPEARANCE				RECORD REVIEW					
<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="height: 20px;"></td> <td style="height: 20px; text-align: center;">X</td> </tr> </table>		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	No												
	X												
MEMBER SITTING						VOTE OF THE BOARD							
						HON	GEN	UOTHC	OTHER	DENY			
										X+*			
										X+*			
						X				+*			
						X				+*			
										X+*			
ISSUES		A94.53 A92.21				INDEX NUMBER		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				CASE NUMBER									
26 Jun 2012				FD-2010-00292									
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE													
Case heard in Washington, D.C.													
Advise applicant of the decision of the Board, the right to submit an application to the AFBCMR.													
Names and votes will be made available to the applicant at the applicant's request.													
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-2010-00292

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