**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

**NAME OF SERVICE MEMBER (LAST,** FIRST **MIDDLE INITIAL) GRADt: AJ<'SN/SSAN**

**AlC**

**ITYPE** GEN I **PERSONAL APPEARANCE X** I **RECORD REVIEW**

NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL

YES No

**X**

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**MEMBER SITTING** ·•··· - ,.

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**WANDA R. LANGLEY X**

**ISSUF:S A94.05 INDEX NUMBER A67.50** liiiiiiiiiiiIIiii *i* **/ i!i!IITi UIMITljlD'f ,1::illfl..i iRD** ....... ''"II'!!

**A67.90 l** ORDER APPOINTING THE BOARD

1. APPLICATION FOR REVIEW OF DISCIIARGE
2. LETTER OF NOTIFICATION
3. BRIEF OF PERSONNEL FILE COUNSEL'S RELEASE TO THE BOARD

ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE

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TAPE RECORDING OF PERSONAL APPEARANCE

**HEARING** DATE CASE NUMBER

**15 Feb 2006 FD-2005-00318**

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Case heard at Washington, D.C.

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

Names and votes will be made available to the applicant at the applicant's request.

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TO: FROM:

SECRETARY O•' THE AIR 'ORCE PERSONNEL COUNCIL

SAF/MRl:lR

AIR FORCE DISCHARGE REVJli:W IIOARD

550 C STREET WEST, SUITE 40 1535 COMMAND DR, EE WING, 3RD FLOOR

RANDOLPH AFB, TX 78150-4742 ANDREWS A 'B, MD 20762-7002

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| **AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE** | CASE NUMBER  **FD-2005-00318** |
| **GENERAL:** The applicant appeals for upgrade of discharge to honorable and 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 to exercise this right.  The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.  **FINDINGS:** Upgrade of discharge and change of reason and authority for discharge, and change of reenlistment code are 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:**  Issue 1. Applicant contends discharge was inequitable because it was too harsh. He contends that he was not given full representation by the Area Defense Council and further contends that he was punished twice. First with the Article 15, reduction in rank, 15 days extra duty and a probationary fine. Second, after serving his punishment, his commander submitted him for an early discharge. The records indicated the applicant received an Article 15, a Letter of Reprimand, five Letters of Counseling, and four Records of Individual Counseling for misconduct. The misconduct included being absent from place of duty (10 days), making a false official statement, failure to obey orders, reporting late for duty on five separate occasions, dereliction of duty, missed recall notification and missed scheduled training. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. Although applicant contends he was punished twice by being discharged after his Article 15, discharge is not punishment. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.  Issue 2. The applicant states he has lost his veterans benefits, unable to obtain a job in the profession that he has experience, not eligible for unemployment due to the early release and has had to borrow thousands of dollars from his wife's parents. He has requested change of RE Code and upgrade of his discharge so that he may enlist in the US Marine Corp or US Army as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.  **CONCLUSIONS:** 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 that 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, thus the applicant's discharge should not be changed.  Attachment:  Examiner's Brief | |