



**DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
JOINT BASE SAN ANTONIO-RANDOLPH, TEXAS**

## **Procedures for Personal Appearance in Air Force Discharge Review Board**

*Applicable to: Military*

This is to familiarize members with the procedures of the Air Force Discharge Review Board. Hearings before the board is an administrative hearing. It is not an adversarial proceeding or a trial. The purpose is to determine whether a period of service was properly characterized. Only one of two things can happen:

The request can be granted or;  
A discharge can remain the same

In either case, it cannot be made worse. There is what is termed, the presumption of regularity in government affairs. This means when the government or in this case the Air Force takes an action, it is deemed to be a good and proper action. The burden of proof lies with the member to convince members of the board that a discharge should be something other than what it is, and in doing so, overcome the presumption of regularity.

If the member has not yet done so, they should review the examiners brief prior to their hearing. The brief is a summary of the available military records in a case. It contains the essential facts in the case and is put into a format which is easily read by board members.

One board member is designated as the action officer for a case. The action officer's job is to go through the entire record and compare it to the brief, making sure the brief is absolutely correct. In doing so, this individual becomes very familiar with the case. If any of the board members have questions concerning the documentation in a record, either during the hearing or afterwards during board deliberations, these questions will be addressed to the action officer who will get the document in question for the decision of the board.

The board is composed of five active-duty Air Force officers and senior enlisted personnel. They each cast one vote and the majority rules. In regard to testimony, for the purpose of this hearing, the member has the right to remain silent, give sworn testimony, or give an un-sworn testimony.

If the member wishes to remain silent, they do not have to say anything. If they choose to give sworn testimony, they will take an oath and then each board member will have the opportunity to ask questions either about the member's testimony, something in their record, or essentially anything they feel might give a greater insight into the case.

*NOTE: The board believes sworn testimony is best because in the absence of being able to ask questions, there is no way board members can establish the member's credibility as a witness. If the member does decide to give sworn testimony and is asked a question they don't wish to answer, they don't have to answer it. The decision, as to which form of testimony the member gives, if any, is entirely theirs.*

The board will concern itself with two basic issues in determining whether a discharge should be changed. The first issue is that of propriety. This means, did the Air Force follow its own rules and regulations in processing the discharge? If the board feels there was an impropriety and that it was significant, the board can use the issue of impropriety to upgrade a discharge.

The second issue is that of equity. Given the same set of circumstances, exactly as it was when the member was discharged, applied to today's rules and regulations--would the outcome be the same? If the board believes it would not, then it can use the issue of equity to change a discharge.

The Board is limited to these two issues: *propriety and equity* as a basis for a change of discharge. They cannot base a change on compassion or because the member has changed for the better. The hearing will be recorded on either a cassette or a CD. It provides a record of the proceedings, but beyond that, it gives the board a chance to rehear any testimony after the member has left the room, and sometimes this can be very important. No one has access to the recording except the member and the board members. Copies of the recording can be obtained by simply asking for it; no one else can get a copy without the member's written permission.

When the member enters the hearing room, the board member designated as the recorder will start the recording device and the President of the Board will call the board to order. The action officer will then read into the record that the board is meeting to consider a case, that the member is present and are or are not represented by counsel, and will introduce exhibits into evidence, such as the member's application, letter of notification of when to appear, orders that appoint the board, officers of the board, member records, examiners brief and member issues.

The reason is simply to provide a complete hearing record. The member will then be asked what form of testimony, if any, they wish to give. If the member indicates sworn testimony, they will be asked to raise their right hand and take an oath. All of this takes about a minute and a half and is essentially the only formal part of the hearing.

The hearing normally takes less than an hour, but the board will take whatever time is necessary to hear the member's case, for which there is no time limit. If the member has counsel, they will likely make an opening statement on the member's behalf, then ask questions to draw out testimony. If the member does not have a counsel, they may make an opening statement and then proceed to presenting their own case.

If the member is giving sworn testimony, the board members will ask questions, counsel will then make a closing statement on the member's behalf and the member will have a final opportunity to address the board. After the member is excused, they should leave immediately.

The board will then go into deliberations and reach its decision. It will take about 6 to 8 weeks for official notification of the board's final decision, which will come via the Air Force Review Board Office (SAF/MRBR) at Randolph Air Force Base, Texas.

If a discharge is changed, the member will receive a new discharge certificate, a new DD 214, and the decisional document of the board.

If a discharge is not changed, the member will receive the decisional document of the board, which will include the specific reasons why the discharge was not changed, and will also include any further appeal process, which is applicable to the member.

In either case, plan on 6 to 8 weeks to get the results. If the member has any questions, if there has been a change of address recently or plan to do so in the near future, please inform one of the Air Force Discharge Review Board members.