

TYPE		X PERSONAL APPEARANCE	RECORD REVIEW				
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES	NO						
	X						
MEMBERS SITTING		HON	GEN	UO/HC	OTHER	DENY	
[REDACTED]						X	
[REDACTED]						X	
[REDACTED]						X	
[REDACTED]						X	
[REDACTED]						X	
ISSUES		INDEX NUMBER		1 ORDER APPOINTING THE BOARD			
A93.34, A94.06		A49.00		2 APPLICATION FOR REVIEW OF DISCHARGE			
				3 LETTER OF NOTIFICATION			
HEARING DATE		CASE NUMBER		4 BRIEF OF PERSONNEL FILE			
01 03 29		FD01-00070		COUNSEL'S RELEASE TO THE BOARD			
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
				TAPE RECORDING OF PERSONAL APPEARANCE HEARING			
REMARKS							
Case heard at Andrews AFB MD.							
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.							
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT			
[REDACTED]				[REDACTED]			
TO:				FROM:			
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742				SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD01-00070

GENERAL: The applicant appeals for a change of reason for discharge and change of reenlistment eligibility (RE) code.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The board finds that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety, which would justify a change of discharge.

The applicant's issues are listed in the attached brief.

Issues 1, 2 & 3 are similar in nature dealing with the other options that could have been considered, the member's Enlisted Performance Report being a factor in his discharge and test anxiety being playing a part in the member's unsatisfactory performance. The Board reviewed the record and found that the member had done well on open book pre-tests and that he was given ample time both on duty **and** off duty to prepare for the test. The commander exercised his prerogative in considering retraining and there was no indication in the record that the member's performance report had any influence in his discharge. These issues are without merit.

Issue 4: The applicant contends that his immediate supervisor was a civilian who previously had 12 years of service with the Army. He contends he had been in the Air Force longer than she had and therefore was not certified to train him properly. The Board found just the contrary. The supervisor was a highly trained civilian who was attentive to the training needs of the applicant and went to great lengths to document the actions taken to insure areas that were missed on the pretest were covered and documented. This issue is without merit.

Issue 5: The member contends that other coworkers were given every opportunity to pass their CDC courses but he was not given the same consideration. Again the Board found the opposite to be true. Although the progress of other Airman are not documented in the case before the Board, the member's record indicated he was given absolutely every consideration and opportunity to prepare and pass his CDC course but failed to progress and was subsequently discharged. No inequity or impropriety in his discharge was suggested or found in the course of the records review. The Board concluded that the character and reason for discharge were appropriate due to his failure to progress in his career field.

The Board found no evidence of impropriety or inequity in this case upon which to base an upgrade of discharge.

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

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former A1C) MISSING DOCUMENTS

1. MATTER UNDER REVIEW: Appl rec'd a HON Disch fr USAF 01/01/05 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance). Appeals for a Change in Reason and Authority for Disch and RE Code.

2. BACKGROUND:

a. DOB: 80/10/28. Enlmt Age: 17 9/12. Disch Age: 20 2/12. Educ: HS DIPL. AFQT: N/A. A-89, E-49, G-34, M-26. PAFSC: 3S031 - Personnel Apprentice. DAS: 99/06/16.

b. Prior Sv: AFRes 98/08/12 - 99/02/23 (6 months 12 days)(Inactive).

3. SERVICE UNDER REVIEW:

a. Enld as AB 99/02/24 for 4 yrs. Svd: 1 Yrs 10 Mo 12 Das, all AMS.

b. Grade Status: A1C - 00/06/24
AMN - 99/08/24

c. Time Lost: none.

d. Art 15's: none.

e. Additional: EOC, 25 APR 00 - Course failure.
EOC, 28 AUG 00 - Course failure.

f. CM: none.

g. Record of SV: 99/02/24 00/10/23 Langley AFB 2 (Initial) REF
(Discharged from Langley AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (4) Mos (24) Das
TAMS: (1) Yrs (10) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 01/01/18.
(Change Reason and Authority for Discharge and RE Code)

Issue 1: 3 other options other than discharge; be retrained, waive all of CDC's; and waive 1st set of CDC's.

Issue 2: Immediate supervisor submitted an EPR on myself, supervisor claims it was altered when sent up the chain of command, and the EPR was a factor in my discharge from the Air Force, and assignment of RE Code 2C, and

separation Code JHJ.

Issue 3: When I identified defeciciency (sic) of my CDC's (sic) as far as comprehension and test anxiety. I had taken a study skills course voluntarily. The class didn't help at all. It was (-----)(sic) college course. Nothing after that was ever addressed again. I wanted to be tested for either (-----)(sic) and I couldn't be do to having to be referred which I never was.

Issue 4: One thing that might have played a role in this. My immediate supervisor had been 12 yrs Civil Service with the Army. I had been in the Air Force longer than she had. How can I have a trainer that isn't certified or able to train me properly!

Issue 5: My coworker was given every opportunity given to him and he passed his CDC's but I wasn't given every opportunity and I failed and was discharged.

ATCH

1. Congressional Letter, 19 Jan 01.
2. Letter to Congress.
3. DD Form 214.
4. Notification Memorandum.
5. Enlisted Performance Report.
6. Written Response to Referral Enlisted Performance Report.
7. Memo for Record, 26 Sep 00.
8. AF Form 623a.
9. Email, Letter of Appreciation.
10. Email, Decoration RIP.
11. Email, Customer Service.
12. Email, Updated AFEM.
13. End of Course Results.
14. Memorandum For 1 MSS/CC, 17 May 00.
15. Memorandum For 1 MSS/Unit Education and Training Manager, 17 May 00.
16. CDC Failure Assessment Worksheet, 15 May 00.
17. End of Course Exam.
18. Report of Course Exam.
19. AF Form 623a.
20. Personnel Data.
21. Statement of Understanding.
22. Receipt of Notification Memorandum.
23. Memorandum for 1 MSS/DPMRS, 4 Jan 01.
24. Copy of Discharge Correspondence.

01/03/08/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

MEMORANDUM FOR 1FW/CC

FROM: 1FW/JA

JECT Administrative Discharge - [REDACTED]

1. I have reviewed the proposed discharge action case file and find it legally sufficient to support a decision to separate respondent with an honorable discharge, as soon as he is found medically fit for separation.

2. **Background:**

a. Respondent is a 20-year-old Evaluations and Decorations Journeyman assigned to the 1st Mission Support Squadron (1 MSS). His TAFMSD is 24 Feb 99 and he began his 4-year enlistment on 24 Feb 99. He was assigned to his present unit on 16 Jun 99. Respondent has never received an enlisted performance report.

b. On 4 Dec 00, 1 MSS/CC properly notified respondent of her recommendation to separate respondent under the provisions of AFI 36-3208, Chapter 5, Section E, paragraph 5.26.3 for failure to progress in on-the-job training with an honorable discharge. The respondent was notified of additional material which would be forwarded to the discharge authority on 15 Dec 00. Because respondent is not entitled to a board hearing, this case has been properly pursued via the notification procedures of AFI 36-3208, Chapter 6, Section B.

3. **Evidence for the Government:**

a. On or about 25 Apr 00, respondent scored 36% on the Career Development Course (CDC) end-of-course exam. The minimum passing score is 65%. This was respondent's first failure. The unit commander counseled the respondent after this failure and instituted "in-house" training during duty hours to help improve the respondent's knowledge of the material. The respondent also attended a study skills course to address test anxiety issues he raised after the first test. The commander also recommended that the respondent curtail his "extra-curricular activities" such as intramural sports to allow him to spend more than one to two hours per day preparing for the second test. The commander specifically addressed the consequences of a second test failure during the counseling following the first failure.

b. On or about 28 Aug 00, respondent scored 50% on the Career Development Course end-of-course exam. The minimum passing score is 65%. This was respondent's second failure.

4. **Evidence for the Respondent:** Respondent was properly notified of his right to counsel and to submit statements on his behalf for your consideration. Respondent consulted with

military legal counsel and on 18 Dec 00 submitted a written response package. He detailed several achievements during his two years of service and cited three issues that detracted from his performance: reading problems, trainer experience, financial problems. He cited test results showing an 8th grade reading level. He attended a study skills course, but maintains that it did not help him. He also contends that his supervisor's limited Air Force experience hampered his training. Finally, he claims that his financial problems distracted him from concentrating on his CDCs.

5. Discussion:

a. **A basis for discharge exists.** AFI 36-3208, paragraph 5.26.3 states that failure to progress in on the job training is grounds for discharge. Despite substantial unit involvement, the respondent failed to achieve a 65% on his required training program. The second failure constitutes a basis for discharge.

b. **The respondent should be discharged under that provision.** Respondent received several types of assistance including financial counseling, study skills courses, an on-duty study program. Despite that concentrated effort, the respondent only achieved a 50% on the second test. Whether that failure was the result of lack of effort or the simple inability to grasp the material, it seems clear that the respondent is unable to master this phase of his professional training. Although he is a helpful and personable customer service technician, his inability to master this training makes him unsuitable to assume the greater responsibilities that would come with continued service. The respondent's supervisor and respondent's counsel raise some issues about the strength of the respondent's duty performance. However, despite what appear to be good skills at this level, he is unwilling or unable to master the skills that will be expected of him in future positions.

c. **The respondent should be given an honorable discharge.** Based on respondent's overall performance, 1 MSS/CC recommends an honorable discharge. Although the commander has serious doubts about the level of effort the respondent directed to his CDCs, he has not committed any serious misconduct. His inability to pass the CDC tests does not diminish the other positive aspects of his service.

d. **Probation and Rehabilitation is not appropriate in this case.** Respondent's continued inability to meet military standards, despite the unit's efforts, demonstrates his poor rehabilitative potential. I do not recommend probation and rehabilitation in conjunction with this discharge.

6. **Errors and Irregularities:** I note no errors or irregularities prejudicial to respondent's substantive or procedural rights.

7. **Options:** As separation authority in this case, you may:

a. Direct retention, if you determine the evidence does not warrant discharge; or,

b. Direct respondent's separation with **an** honorable discharge, with or without probation and rehabilitation; or,

c. Direct respondent's separation with an under honorable conditions (general) discharge, with or without probation and rehabilitation.

8. Recommendation: Sign the attached memorandum directing the respondent's separation with **an** honorable discharge, without probation and rehabilitation.



Chief, Adverse Actions

I concur.



- Attachments:
- 1. Proposed Letter
 - 2. Case File



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

ND 1. OF [REDACTED]

FROM: 1 MSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure to progress in on-the-job training. The authority for this action is AFPD 36-32 and AFI 36-3208, Chapter 5, Section E, Paragraph 5.26.3. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as honorable.

2. My reasons for this action are:

a. On or about 25 Apr 00, you scored 36% on the Career Development Course end-of-course exam. The minimum passing score is 65%. This was your first failure. The unit developed an extensive daily training program to assist you in preparing for the second test.

b. On or about 28 Aug 00, you scored 50% on the Career Development Course end-of-course exam. The minimum passing score is 65%. This was your second failure.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal **counsel has been obtained** to assist you. I have made an appointment for you to consult Captain [REDACTED] Defense Counsel, 54 Willow Street, Bldg. 147, Ext. 5607 at 1000 hours on 5 Dec 2000. You may consult civilian counsel at your own expense.

5. You have the **right** to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1700 hours on 7 Dec 2000 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at 1300 hours on 5 Dec 2000 and an additional examination will be scheduled if necessary.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.



Commander, 1st Mission Support Squadron

Attachments:

1. Supporting Documents
 - a. Report of Course Examination dated 25 Apr 00
 - b. Review and Assessment Worksheets
 - c. Report of Course Examination dated 28 Aug 00
 - d. Review and Assessment Worksheets
 - e. AF Form 623a and On – the – Job Training Records
2. Receipt of Notification Memorandum