

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████	GRADE A1C	AFSN/SSAN ██████████
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
██████████					X
██████████					X
██████████					X
██████████					X
██████████					X

ISSUES A94.03	INDEX NUMBER A49.00	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	
HEARING DATE 29 May 02	CASE NUMBER FD2002-0027		COUNSEL'S RELEASE TO THE BOARD	
			ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE	
			TAPE RECORDING OF PERSONAL APPEARANCE HEARING	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

**REMARKS**  
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.

SIGNATURE OF RECORDER ██████████	SIGNATURE OF BOARD PRESIDENT ██████████
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INDORSEMENT	DATE: 29 May 02
TO: SAF/MIBR 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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0027

**GENERAL:** The applicant appeals for a Change in Reason and Authority for Discharge.

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:** Change in Reason and Authority for 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.

**ISSUE:** Applicant wants his DD Form 214 changed to whatever it needs to be in order for him to receive the MGIB. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base a change in reason and authority for discharge. The records indicated the applicant failed his CDC Course exam twice and was honorable discharged. Airmen are subject to discharge for unsatisfactory performance based on documented failure to meet Air Force standards. Failure to progress in on-the-job training is one example of how an airman may fail to meet standards, and failing twice to achieve a passing mark on the CDC exam constitutes failure to progress. The Board concluded that the characterization, reason and authority of the applicant's discharge were appropriate due to the CDC failures.

**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 change in reason and authority for 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) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 01/04/13 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance). Appeals for a Change in Reason and Authority for Disch.

2. **BACKGROUND:**

a. DOB: 79-02-22. Enlmt Age: 19 3/13. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-40, E-42, G-36, M-51. PAFSC: 2A333A - Tactical Aircraft Maintenance Apprentice. DAS: 99/06/07.

b. Prior Sv: (1) AFRes 98/05/28 - 98/09/27 (4 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 98/09/28 for 4 yrs. Svd: 02 Yrs 06 Mo 16 Das, all AMS.

b. Grade Status: A1C - 00/01/28  
AMN - 99/03/28

c. Time Lost: none.

d. Art 15's: (1) none.

e. Additional: 09 MAR 00 - CDC Course Exam failure.  
09 JUN 00 - CDC Course Exam failure.

f. CM: none.

g. Record of SV: 98/09/28 - 00/05/27 Eglin AFB 4 (Initial)

(Discharged from Eglin AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (02) Yrs (10) Mos (16) Das  
TANS: (02) Yrs (06) Mos (16) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/01/10.  
(Change Discharge to Reason and Authority for Discharge.)

Issue 1: All I would like is what ever needs to be changed on my DD Form 214 to help me receive MGI Bill money to help me in school.

ATCH

1. DD Form 214.
2. AF Form 100.
3. Commander's Summary Sheet.

02/04/15/ia



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR ARMAMENT CENTER (AFMC)  
EGLIN AIR FORCE BASE, FLORIDA

APR 09 2001

MEMORANDUM FOR 96 ABW/CC

FROM: AAC/JA

SUBJECT: AFI 36-3208 Legal Review, A1C [REDACTED]  
FR [REDACTED], 33 MXS (ACC)

1. **LEGAL SUFFICIENCY:** I have reviewed the attached discharge package of A1C [REDACTED] (respondent) and find it to be legally sufficient to support an administrative discharge for unsatisfactory performance (failure to progress in on-the-job training) under AFI 36-3208, chapter 5, section E, paragraph 5.26.3.

2. **INITIATION OF ACTION:** On 2 Apr 01, [REDACTED], 33 MXS/CC, notified respondent of his intention to recommend that the respondent be discharged from the United States Air Force for unsatisfactory performance (failure to progress in on-the-job training). The commander recommended an honorable discharge without probation and rehabilitation (P&R). The respondent is not entitled to an administrative discharge board.

3. **EVIDENCE CONSIDERED FOR THE GOVERNMENT:**

Unsatisfactory Performance (Failure to Progress in On-The-Job Training). On or about 9 Mar 00, respondent failed to make a satisfactory score of 65 percent on his Career Development Course (CDC) examination. He received a score of 60 percent. On or about 8 Jun 00, respondent failed to make a satisfactory score of 65 percent on his Career Development Course (CDC) examination. He received a score of 52 percent. Copies of the supporting documents are attached to the notification memorandum (Tab 1).

4. **EVIDENCE CONSIDERED FOR THE RESPONDENT:** After being advised of his rights to counsel and to submit statements (Tab 2), the respondent consulted counsel and waived his right to submit a statement for your consideration (Tab 3).

5. **DISCUSSION:**

a. Separation Criteria and Characterization of Discharge: As stated above, this file is legally sufficient to support an administrative discharge action under AFI 36-3208, chapter 5, section E, paragraph 5.26.3. Pursuant to paragraph 5.26, "Airmen are subject to discharge for unsatisfactory performance based on documented failure to meet Air Force standards." Failure to progress in on-the-job training is one example of how an airman may fail to meet standards, and failing twice to achieve a passing mark on the Career Development Course (CDC) Examination constitutes failure to progress under paragraph 5.26.3. Discharge for this type of failure can be characterized as either honorable or general. An honorable discharge

would be appropriate when the quality of the airman's service generally has met Air Force standards of acceptable conduct and duty performance or the member's service has been so meritorious that any other characterization would be clearly inappropriate. A general discharge is warranted when an airman's service has been honest and faithful, but significant negative aspects of the airman's performance of duty outweigh positive aspects of the airman's military record.

b. Characterization of Respondent's Service: I concur with Major [REDACTED] recommendation that the respondent receive an honorable discharge. Typically, an airman being discharged for Failure to Progress in On-the-Job Training will receive an honorable discharge unless there is some evidence that the respondent failed the examinations on purpose. There is no evidence to suggest that A1C [REDACTED] intentionally failed these examinations. Therefore, I recommend that the respondent receive an honorable discharge.

c. Probation & Rehabilitation (P&R): Due to the basis for this discharge action, the respondent is eligible for P&R under AFI 36-3208, Chapter 7. P&R is limited to deserving cases, including those where the airman has demonstrated a potential to serve satisfactorily, has the capacity to be rehabilitated for continued military service or for completion of the current enlistment, or whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force. Past efforts to assist the respondent in passing his CDCs, were unsuccessful. For example, the unit gave A1C [REDACTED] two hours daily to study with thirty minutes of daily review. Altogether, the unit gave him 78 hours of study time to pass his examination. Nevertheless, A1C [REDACTED] was unsuccessful on the Career Development Course (CDC) examination. Consequently, P&R is not recommended in this case.

**6. OPTIONS:** As the Special Court-Martial Convening Authority in this case, you have the following options:

- a. Disapprove the discharge action and retain the respondent;
- b. Approve the discharge action and separate the respondent with a general discharge, with or without P&R; or
- c. Approve the discharge action and separate the respondent with an honorable discharge, with or without P&R.

**7. RECOMMENDATION:** For the reasons stated above, I recommend the respondent be discharged from the United States Air Force under AFDP 36-32 and AFI 36-3208, chapter 5, section E, paragraph 5.26.3, with an honorable discharge, without P&R.

[REDACTED]  
[REDACTED] Captain, USAF  
Assistant Chief, Military Justice

I have reviewed the attached discharge package and the foregoing recommendation. I concur in the recommendation.

[REDACTED]

[REDACTED], Lt Col, USAF  
Deputy Staff Judge Advocate

Attachment:  
Case File [REDACTED]



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 33D FIGHTER WING (ACC)  
EGLIN AIR FORCE BASE, FLORIDA

2APR01

MEMORANDUM FOR A1C [REDACTED], FR [REDACTED], 33 MXS (ACC)

FROM: 33 MXS/CC

SUBJECT: Notificat on Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance (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 my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as honorable.

2. My reasons for this action are:

a. On or about 9 Mar 00, you failed to make a satisfactory score of 65 percent on your Career Development Course (CDC) examination. You received a score of 60 percent.

b. On or about 8 Jun 00, you failed to make a satisfactory score of 65 percent on your Career Development Course (CDC) examination. You received a score of 52 percent.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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. Special pay, bonuses, 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 Capt [REDACTED] at building 451, ext. 882-4185, on 04 Apr 01 at 0900 hours. 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 within 3 workdays from today 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 on your own behalf, your failure will constitute a waiver of your right to do so.

7. You will complete a medical examination at the 96th Medical Group on 05 Apr 01 at 0715 hours.

8. You are required to receive a briefing from the Family Support Center prior to your separation. You have been scheduled to receive your Transition Assistance Management Program (TAMP) briefing on **10 Apr 01**, at **0830 hours**.
9. You have been scheduled for an appointment with the 96th Mission Support Squadron, separations section, on **03 Apr 01** at **1300 hours**.
10. **Immediately after** completion of your 96\* Mission Support Squadron separations section briefing report to the 96<sup>th</sup> Traffic Management Office with your completed AFDTC Form 4 134 or LGTT Office Form B 133. If you have a TMO pickup it must be before **12 Apr 01**.
11. 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 your unit orderly room.



Major, USAF  
Commander, 33 MXS

Attachments:

1. Supporting Documents
  - 1a. Report of Course Examination, dated 9 Mar 00
  - 1b. Report of Course Examination, dated 8 Jun 00
  - 1c. AF Form 623a, w/atchs
2. Airman's Acknowledgment