

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN
[REDACTED]		A1C	[REDACTED]

TYPE GEN	PERSONAL APPEARANCE	X RECORD REVIEW
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COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO		
	X		

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53, A67.01, A13.01	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 02-08-07	CASE NUMBER FD2002-0094	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	

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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 and the right to a personal appearance with/without counsel, The right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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ENDORSEMENT	DATE: 02-08-09
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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 RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0094

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board 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 is denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any.

Issues. Applicant was discharged for both minor disciplinary infractions and unsatisfactory performance in the Weight and Body Fat Management Program (WBFMP). Minor disciplinary infractions were the primary reason for discharge. She had two Letters or Records of Individual Counseling, five Letters of Reprimand, and an Article 15. Her misconduct included multiple instances of dereliction of her primary duties over an 8-month period, and 12 incidents of failing to maintain weight and body fat standards and failing to lose the required amount of body fat percentage or weight while on the WBFMP over a 3.5-year period. At the time of the discharge, applicant unconditionally waived her right to have her case heard by an administrative discharge board. The Discharge Review Board (DRB) noted that member was responsible for her actions of misconduct and was properly held accountable for those. She was counseled repeatedly and given numerous opportunities to conform her behavior but failed to respond to those rehabilitative efforts. With regard to the unsatisfactory WBFMP performance, she was given numerous opportunities to improve and make satisfactory progress, but failed to do so, and routinely gained yet more weight. No inequity or impropriety was found in this discharge in the course of the records review.

The applicant stated she was told her discharge could be upgraded upon application after 6 months, inferring the perception it would be an automatic upgrade. This may be the result of miscommunication or a misunderstanding on applicant's part. While discharges may be upgraded after 6 months, upgrades are not automatic. A discharge is upgraded only if the individual and DRB can establish an inequity or impropriety took place at the time of the discharge. In this case, none was found, so the Board denied the appeal.

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) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 00/06/12 UP AFI 36-3208, para 5.49 & 5.65 (Misconduct - Minor Disciplinary Infractions and Failure in the Weight and Body Fat Management Program). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 70/07/11. Enlmt Age: 21 6/12. Disch Age: 29 11/12. Educ: HS DIPL. AFQT: N/A. A-79, E-51, G-64, M-47. PAFSC: 3P051 - Personnel Journeyman. DAS: 94/06/15.

b. Prior Sv: (1) AFRes 91/12/30 - 92/01/29 (29 days) (Inactive).

(2) Enlisted as AB 92/01/29 for 6 yrs. Svd: 5 yrs 3 months 29 days, all AMS. A1C - 92/03/13. SRA - 94/07/13. EPRs: 5,5,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SRA 97/05/29 for 4 yrs. Svd: 03 Yrs 00 Mo 13 Das, all AMS.

b. Grade Status: A1C - 00/01/13 (Article 15, 00/01/14)

c. Time Lost: none.

d. Art 15's: (1) 00/01/14, Pope AFB, NC - Article 92. You, who knew of your duties, between on or about 8 Apr 99 and on or about 29 Nov 99, on divers occasions, were derelict in the performance of those duties in that you willfully failed to process and file personnel transactions, as it was your duty to do so. Reduction to A1C, and 10 days extra duty. (No appeal) (No mitigation)

e. Additional: LOC, 07 SEP 99 - Dereliction of duty.
LOC, 18 OCT 99 - Dereliction of duty.
AF FORM 393, 05 SEP 96 - Failure to meet Weight Standards.
LOR, 05 NOV 96 - Failure to meet Weight Standards.
LOR, 21 AUG 97 - Failure to meet Weight Standards.
AF FORM 393, 18 SEP 97 - Failure to meet Weight Standards.
LOR, 21 OCT 97 - Failure to meet Weight Standards.
AF FORM 393, 04 FEB 99 - Failure to meet Weight Standards.
LOR, 09 MAR 99 - Failure to meet Weight Standards.
LOR, 02 AUG 99 - Failure to meet Weight Standards.
AF FORM 393, 25 FEB 00 - Failure to meet Weight Standards.
AF FORM 393, 28 FEB 00 - Failure to meet Weight Standards.
AF FORM 393, 31 MAR 00 - Failure to meet Weight Standards.

f. CM: 96-06-17

g. Record of SV: 96/06/17 - 97/06/16 Pope AFB 3 (Annual)
 97/06/17 - 98/06/16 Pope AFB 4 (Annual)
 98/06/17 - 99/06/16 Pope AFB 4 (Annual)
 99/06/17 - 00/03/01 Pope AFB 1 (Cmdr Dir)REF

(Discharged from Pope AFB)

h. Awards & Decs: AFAM, AFLSAR W/1 OLC, AFTR, AFOSLTR, NDSM, NCOPMER, AFOUA, AFGCM 2/1 OLC.

i. Stmt of Sv: TMS: (08) Yrs (05) Mos (13) Das
 TAMS: (08) Yrs (04) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/03/01.
 (Change Discharge to Honorable)

Issue 1: I have no further issue other than the change request I have submitted. At the time of my discharge I was informed I must submit this change of record request after being separated six months. Thank you for your assistance in this matter. Also, that I am not totally sure of the date of discharge as of the day, I did not receive a copy of my DD Form 214 and am requesting that this change be done prior to receiving a copy or requesting one. Also as to the type of discharge received.

ATCH
 none.

02/06/17/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE NORTH CAROLINA

FD 2002-0094

7 Jun 00

MEMORANDUM FOR [REDACTED]

FROM: 43 AW/JA
374 Maynard St., STE A
Pope AFB NC 28308-2381

SUBJECT: Legal Review: Discharge under Provisions of AFPD 36-32 and AFI 36-3208,
Paragraph 5.65 ([REDACTED] 3 MSS)

1. **BASIS FOR ACTION:** Administrative discharge action was initiated on 1 Jun 00 against [REDACTED], under the provisions of AFPD 36-32 and AFI 36-3208, chapter 5, under paragraph 5.49, Minor Disciplinary Infractions as the primary reason, and under 5.65, failure in the Weight and Body Fat Management Program as the secondary reason. The squadron commander recommends separation with a general discharge. On 2 Jun 00, [REDACTED] unconditionally waived her right to a hearing before an administrative discharge board (see Atch 3 to Squadron Commander's Recommendation). The most severe type of discharge authorized in this case is an under other than honorable conditions discharge.

2. **FACTS:**

a. **Primary Basis: Minor Disciplinary Infractions:** The commander initiated discharge under paragraph 5.49, Minor Disciplinary Infractions for the following reasons:

1. Between on or about 8 Apr 99 and on or about 29 Nov 99, at or near Pope Air Force Base, North Carolina, [REDACTED] who knew of her duties, on divers occasions, was derelict in the performance of those duties in that she willfully failed to process and file personnel transactions, as it was her duty to do so as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 14 Jan 00.
2. On or about 2 Sep 99, [REDACTED] was asked to prepare [REDACTED] folder for outprocessing as he was scheduled to outprocess on 3 Sep 99. She failed to prepare the folder for outprocessing as documented by a Letter of Counseling, dated 7 Sep 99.
3. On or about 24 Sep 99, [REDACTED] was told to contact [REDACTED] and notify her that she had been given three choices for her follow-on assignment. On 13 Oct 99, it was discovered that [REDACTED] had not made contact with her as documented by a Letter of Counseling, dated 18 Oct 99.

b. Secondary Basis: Weight and Body Fat Management Program Failure: The commander initiated discharge under paragraph 5.65, failure in the Weight and Body Fat Management Program for the following reasons:

1. On or about 5 Sep 96, [REDACTED] was entered into Phase I of the Weight Management Program due to her inability to meet weight standards for her age group. Her body fat was measured at 37% and the body fat standard for her age group is 32%. She weighed 169 pounds and the maximum allowable weight for her height is 141.5 pounds as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs.
2. On or about 4 Nov 96, [REDACTED] failed to lose the required one percent of body fat and or three pounds by increasing three percent body fat from her last measurement and increasing two pounds from her last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 4 Nov 96, and a Letter of Reprimand, dated 5 Nov 96.
3. On or about 18 Aug 97, [REDACTED] failed to lose the required one percent of body fat and or three pounds by increasing three percent body fat from her last measurement and gaining five pounds from her last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 18 Aug 97, and a Letter of Reprimand, dated 21 Aug 97.
4. On or about 18 Sep 97, [REDACTED] failed to lose the required one percent of body fat and or three pounds by increasing two percent body fat from her last measurement and decreasing two and one-half pounds from her last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs.
5. On or about 20 Oct 97, [REDACTED] failed to lose the required one percent of body fat and or three pounds by increasing four percent body fat from her last measurement and gaining four pounds from her last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, and a Letter of Reprimand, dated 21 Oct 97.
6. On or about 4 Feb 99, [REDACTED] failed to lose the required one percent of body fat and or three pounds by increasing two percent body fat from her last measurement and gaining three and one-fourth pounds from her last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 4 Feb 99.

7. On or about 8 Mar 99, ██████████ failed to lose the required one percent of body fat and or three pounds by failing to decrease her body fat from her last measurement and increasing one and a one-half pounds from her last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, and a Letter of Reprimand, dated 9 Mar 99.
8. On or about 19 Jul 99, ██████████ failed to lose the required one percent of body fat and or three pounds by increasing four percent body fat from her last measurement and increasing twenty pounds from her last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 19 Jul 99, and a Letter of Reprimand, dated 2 Aug 99.
9. On or about 25 Aug 99, ██████████ failed to lose the required one percent of body fat and or three pounds by increasing five percent body fat from her last measurement and gaining seven pounds from her last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 25 Feb 00.
10. On or about 12 Jan 00, ██████████ failed to lose the required one percent of body fat and or three pounds by increasing three percent body fat from her last measurement and loosing only two pounds from her last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 25 Feb 00.
11. On or about 23 Feb 00, ██████████ failed to lose the required one percent of body fat and or three pounds by increasing one percent body fat from her last measurement and gaining three and one-half pounds from her last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 28 Feb 00.
12. On or about 31 Mar 00, ██████████ failed to lose the required one percent of body fat and or three pounds by failing to decrease her body fat one percent from her last measurement and gaining eight pounds from her last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs.

3. **PERSONAL DATA:** ██████████ is 29 years old and began serving her current enlistment on 28 May 97. Her duty title is Outbound Assignment Manager, AFSC 3S051. She is entitled to wear the Air Force Achievement Medal, Air Force Outstanding Unit Award, Air Force Good Conduct Medal (1OLC), National Defense Service Medal, Air Force Overseas Long Tour Ribbon, Air Force Longevity Service (1OLC), USAF NCO PME Graduate Ribbon, and Air Force Training Ribbon.

4. DISCUSSION:

a. This discharge recommendation has been processed in compliance with AFI 36-3208, AFI 40-502, and the record is legally sufficient to sustain a discharge. The circumstances related to minor disciplinary infractions cited by the 43 MSS/CC as reasons for discharge occurred within [REDACTED] current enlistment and may be considered as a basis for discharge by you. At least one failure in the Weight and Bodyfat Management Program (WMP) occurred during her current enlistment and thus all failures may be considered by you as a basis for discharge.

b. Minor disciplinary infractions and failure in the Weight and Body Fat Management Program are contrary to the self-discipline required for effective military service. [REDACTED] history indicates a pattern of dereliction of duty over an eight month period, as well as failing to obey an order. In addition to her discipline problems over the past year, [REDACTED] record reveals an even longer history of failing to meet weight standards or to progress in the Weight Management Program. During her current enlistment, not once did [REDACTED] fall within standards.

c. In determining the proper characterization of [REDACTED]'s service, the guidelines in AFI 36-3208, paragraphs 1.17 and 1.18 must be applied. While an honorable discharge is the most serious service characterization that can be given in a failure to meet standards discharge under the Weight and Body Fat Management Program, the fact [REDACTED] is also being discharged for Minor Disciplinary Infractions allow for a less favorable service characterization. The aforementioned guidelines provide that service characterization in misconduct cases must be based upon the quality of the member's service as reflected in the military record, as evidenced by personal conduct, performance of duty and the reasons for the discharge action. Service characterization is usually based on a pattern of behavior rather than an isolated incident, the standards of acceptable conduct, and performance of duty for an airman.

d. [REDACTED] service record reveals multiple minor disciplinary infractions extending over an eight month period. The record shows that [REDACTED] had been counseled on at least two occasions prior to the December 1999 discovery of her dereliction for failure to process the personnel transactions, and still failed to bring her conduct within standards. She had at least three months to conform her conduct, and yet she continued to hide work after she had been counseled on other matters. In this case, a general discharge is warranted because the negative aspects of [REDACTED] records outweigh the positive aspects of her service. The repeated misconduct during her service has made an honorable discharge inappropriate, yet the misconduct has not been so egregious as to warrant a UOTHC discharge characterization.

e. Furthermore, probation and rehabilitation (P&R) program is not appropriate in this case because [REDACTED] has shown no rehabilitative potential in terms of her misconduct. Additionally, she has had ample opportunity to meet weight standards but failed to do so, thus, active duty probationary status would be inconsistent with the maintenance of good order and discipline in the Air Force.

5. IRREGULARITIES: I note the following irregularities:

a. Pursuant to AFI 36-3208, paragraph 6.13.1, an airman recommended for discharge under chapter 5 has the right to receive written notice of the reasons for discharge including the least favorable type of separation authorized. In misconduct cases, the least favorable type of separation possible is an under other than honorable conditions discharge (UOTHC), where a board is convened, or where the member is given an opportunity for a board and s/he waives that right. The notification letter in this case stated that the least favorable type of separation possible is a general discharge. However, in [REDACTED] unconditional waiver letter she acknowledges she is aware she could receive a UOTHC service characterization as a result of this discharge. I do not believe this irregularity makes this discharge package legally insufficient.

b. Additionally, in her letter acknowledging the receipt of notification dated 1 June 00, [REDACTED] has stated that she understands that approval of the commander's recommendation would result in her receiving an honorable discharge. This too is incorrect. In the notification letter, the commander has stated that she recommends a general discharge. However, in her unconditional waiver letter, dated the following day, 2 June 00, [REDACTED] does acknowledge that the commander has recommended a general discharge characterization. We do not believe this irregularities makes the discharge package legally insufficient to support discharge.

6. OPTIONS: As the separation authority in this case, you may:

- a. reject the squadron commander's recommendation and retain [REDACTED] on active duty;
- b. accept the unconditional waiver and discharge [REDACTED] with a general conditions discharge with or without P&R.
- c. recommend to the GCM that [REDACTED] be discharge with an honorable conditions discharge or a UOTHC discharge with or without P&R.
- d. recommend that the GCM reject the unconditional waiver and convene a board.

6. RECOMMENDATION: Concur with the squadron commander's recommendation and sign the letter directing [REDACTED] discharge with a general conditions discharge characterization

without P&R.



Staff Judge Advocate

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE NORTH CAROLINA

RD 2002-0094

1 Jun 00

MEMORANDUM FOR A [REDACTED], 43 MSS

FROM: 43 MSS/CC
374 Maynard Street
Pope AFB NC 28308

SUBJECT: Notification Memorandum - Board Hearing

1. I am recommending your discharge from the United States Air Force primarily for Minor Disciplinary Infractions and secondarily for failure in the Weight and Body Fat Management Program, according to AFPD 36-32 and AFI 36-3208, under the provisions of paragraphs 5.49 and 5.65, respectively. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.

2. **Minor Disciplinary Infractions:** My reasons for recommending discharge action under paragraph 5.49, Minor Disciplinary Infractions are:

a. Between on or about 8 Apr 99 and on or about 29 Nov 99, at or near Pope Air Force Base, North Carolina, you who knew of your duties, on divers occasions, were derelict in the performance of those duties in that you willfully failed to process and file personnel transactions, as it was your duty to do so as documented by an AF Form 3070, Record of Nonjudicial Punishment Proceedings, dated 14 Jan 00.

b. On or about 2 Sep 99, you were asked to prepare S [REDACTED] folder for outprocessing as he was scheduled to outprocess on 3 Sep 99. You failed to prepare the folder for outprocessing as documented by a Letter of Counseling, dated 7 Sep 99.

c. On or about 24 Sep 99, you were told to contact [REDACTED] and notify her that she had been given three choices for her follow-on assignment. On 13 Oct 99, it was discovered that you had not made contact with her as documented by a Letter of Counseling, dated 18 Oct 99.

3. **Weight and Body Fat Management Program Failure:** My reasons for recommending discharge action under paragraph 5.65, failure in the Weight and Body Fat Management Program are:

- a. On or about 5 Sep 96, you were entered into Phase I of the Weight Management Program due to your inability to meet weight standards for your age group. Your body fat was measured at 37% and the body fat standard for your age group is 32%. You weighed 169 pounds and the maximum allowable weight for your height is 141.5 pounds as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs.
- b. On or about 4 Nov 96, you failed to lose the required one percent of body fat and or three pounds by increasing three percent body fat from your last measurement and increasing two pounds from your last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 4 Nov 96, and a Letter of Reprimand, dated 5 Nov 96.
- c. On or about 18 Aug 97, you failed to lose the required one percent of body fat and or three pounds by increasing three percent body fat from your last measurement and gaining five pounds from your last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 18 Aug 97, and a Letter of Reprimand, dated 21 Aug 97.
- d. On or about 18 Sep 97, you failed to lose the required one percent of body fat and or three pounds by increasing two percent body fat from your last measurement and decreasing two and one-half pounds from your last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs.
- e. On or about 20 Oct 97, you failed to lose the required one percent of body fat and or three pounds by increasing four percent body fat from your last measurement and gaining four pounds from your last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, and a Letter of Reprimand, dated 21 Oct 97.
- f. On or about 4 Feb 99, you failed to lose the required one percent of body fat and or three pounds by increasing two percent body fat from your last measurement and gaining three and one-fourth pounds from your last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 4 Feb 99.
- g. On or about 8 Mar 99, you failed to lose the required one percent of body fat and or three pounds by failing to decrease your body fat from your last measurement and increasing one and a one-half pounds from your last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, and a Letter of Reprimand, dated 9 Mar 99.

h. On or about 19 Jul 99, you failed to lose the required one percent of body fat and or three pounds by increasing four percent body fat from your last measurement and increasing twenty pounds from your last weigh-in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 19 Jul 99, and a Letter of Reprimand, dated 2 Aug 99.

i. On or about 25 Aug 99, you failed to lose the required one percent of body fat and or three pounds by increasing five percent body fat from your last measurement and gaining seven pounds from your last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 25 Feb 00.

j. On or about 12 Jan 00, you failed to lose the required one percent of body fat and or three pounds by increasing three percent body fat from your last measurement and loosing only two pounds from your last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 25 Feb 00.

k. On or about 23 Feb 00, you failed to lose the required one percent of body fat and or three pounds by increasing one percent body fat from your last measurement and gaining three and one-half pounds from your last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs, an AF Form 108, Weight Program Processing, dated 28 Feb 00.

l. On or about 31 Mar 00, you failed to lose the required one percent of body fat and or three pounds by failing to decrease your body fat one percent from your last measurement and gaining eight pounds from your last weigh in as documented by an AF Form 393, Individual Record for the Weight Management and Fitness Improvement Training (FIT) Programs.

4. This action could result in your separation with a general. I am recommending that you receive a general discharge. The commander exercising Special Court Martial jurisdiction or a higher authority will make the final decision in this matter. 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 subjected to recoupment.

5. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.

e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.

6. You have the right to consult counsel. Military legal counsel has been obtained to assist you. [REDACTED] at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult [REDACTED] the Area Defense Counsel. You may consult civilian counsel at your own expense. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

8. **Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise.** The statement must be signed in the presence of your counsel who will also sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

9. 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 at the orderly room.

10. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

11. The discharge board or, the discharge authority will make the finding and recommendations required under 10 U.S.C. 2005(g).

12. Execute the attached acknowledgment and return it to me immediately.

[REDACTED]

Attachments:

1. AF Form 3070, dated 14 Jan 00
2. LOC, dated 7 Sep 99
4. LOC, dated 18 Oct 99
5. AF Form 393
6. AF Form 108s
7. LOC, dated 5 Nov 96
8. LOR, dated 21 Aug 97
9. LOR, dated 21 Oct 97
10. LOR, dated 9 Mar 99
11. LOR, dated 2 Aug 99