

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE A1C	AFSN/SSAN [REDACTED]
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TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
YES	NO					
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MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.05	INDEX NUMBER A49.00	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width: 5%; padding: 5px; text-align: center;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px; text-align: center;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px; text-align: center;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HEARING</td> </tr> </tbody> </table>	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		COUNSEL'S RELEASE TO THE BOARD		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE HEARING
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HEARING DATE 3 JUN 03	CASE NUMBER FD2001-0456																	

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 Scott AFB, Illinois.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT	DATE: 3 JUN 03
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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

FD2001-00456

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at Scott AFB, IL on June 3, 2003.

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

FINDINGS: Upgrade of discharge to Honorable is denied.

The Board finds that neither the evidence of record or that provided by the applicant substantiates an impropriety or inequity that would justify upgrade of the discharge.

ISSUES: The applicant was discharged with a General Discharge for Unsatisfactory Performance. Applicant received four Letters of Reprimand and three Letters of Counseling for unsatisfactory performance, failure to go, failure to follow instructions, failure to inform superiors of pay entitlements status and lack of initiative and leaving the work shop without being properly relieved. The applicant states her discharge was too harsh because several of her training documents had been changed to reflect negligence on her behalf. She also wishes to have access to the educational benefits that she invested in while in the Air Force. The record is clear in that the applicant was decertified for failure to demonstrate proficiency in her career field. The DRB took note of the applicant's duty performance as documented by his performance reports and other information contained in the records. They found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the discharge was appropriate for the reasons that were the basis for this case. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

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.

Attachment:
Examiner's Brief

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

(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 98/06/29 UP AFI 36-3208, para 5.26.1 & 5.26.3 (Unsatisfactory Performance). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 76/04/15. Enlmt Age: 19 11/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-79, E-33, G-41, M-35. PAFSC: 1C031 - Airfield Management Apprentice. DAS: 96/10/09.

b. Prior Sv: (1) AFRes 96/03/18 - 96/06/26 (3 months 9 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as Amn 96/06/27 for 4 yrs. Svd: 2 Yrs 0 Mo 3 Das, all AMS.

b. Grade Status: A1C - 97/04/27

c. Time Lost: none.

d. Art 15's: none.

e. Additional: LOC, 07 JUL 97 - Unsatisfactory Performanc.
LOR, 09 JUL 97 - Unsatisfactory Performance.
LOC, 05 JUL 97 - Failure to go.
LOR, 15 JUL 97 - Failure to follow instructions.
LOR, 02 OCT 97 - Failure to go.
LOC, 17 APR 98 - Failure to inform superiors of pay entitlements status.
LOR, 22 APR 98 - Lack of initiative & leaving the work shop without being properly relieved.

f. CM: none.

g. Record of SV: 96/06/27 - 98/02/26 Travis AFB 2 (Initial)

(Discharged from Travis AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (12) Das
TAMS: (2) Yrs (0) Mos (3) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/04/10.
(Change Discharge to Honorable)

Issue 1: The discharge I received from the Air Force was improper because several of my training documents had been changed to reflect negligence on my behalf. Two supervisors made allegations that I was doing poorly as a trainee and one refused to upgrade me. I was accused of Unsatisfactory Performance, but I passed the mandatory CDC test the first time and I was "checked off" on all the On-The-Job training requirements. The purpose for requesting an upgrade in discharge is to gain access to the educational benefits that I invested in when I entered active duty. I have accepted the actions that had taken place while I was on active duty and I do not harbor any negative views of the Air Force. I appreciate it and see it as a learning experience. Since my discharge, I am a competent, law abiding citizen. Currently I reside in a small town with limited employment. I am a single mother, employed but because of the temporary position I hold, my child and I live with my mother. I am (temporarily) employed as a Customer Service Representative with ----- . I have been with this company since February 1999 to currently. Since working there I have not had any disciplinary encounters. I have received several accolades for excellent Customer Service and I have acquired a second language fluent enough for me to gain a position as a Spanish-speaking Representative! Along with working a full time position I am a part time student. I have been attending ----- University ----- since June 1999 where I am seeking a degree in Secondary Education/Language Arts. With that said I wish to complete my education in 2 years but I need to attend school full time. It is becoming hard for me to maintain a living (working full time, temporarily) and attend classes because the vital education courses I need require specific instruction for example classroom observations with working teachers, which are scheduled during work hours. I am requesting an upgrade of my discharge so I can gain eligibility for the educational benefits in which I invested in while in the Air Force. If I am granted the opportunity to attain educational benefits, I can reduce my hours and attend school full time knowing that my educational needs will be met. Thank you for granting the opportunity to seek upgrade for educational assistance.

ATCH
none.

01/10/18/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 60TH AIR MOBILITY WING (AMC)

23 JUN 1998

MEMORANDUM FOR 60 AMW/CC

FROM: 60 AMW/JA
232 U Street
Travis AFB CA 94535-2815

SUBJECT: Legal Review of Administrative Discharge Under AFI 36-3208,
A1C [REDACTED], 60 OSS

1. **Initiation of Action:** I have reviewed the above-referenced action pertaining to A1C [REDACTED] (Respondent) and I find it legally sufficient to support the recommended discharge action. On 26 May 98, 60 OSS/CC initiated separation action against Respondent pursuant to AFPD 36-32 and AFI 36-3208, Section E, Unsatisfactory Performance, paragraphs 5.26.1 and 5.26.3, Unsatisfactory Duty Performance: Failure to Perform Assigned Duties Properly, and Failure to Progress in On-the-Job Training (OJT). On 19 Jun 98, 60 OG/CC carefully reviewed Respondent's case file and concurred with 60 OSS/CC's decision to proceed with the proposed action. The 60 OSS/CC recommended an honorable discharge characterization without probation and rehabilitation, and 60 OG/CC concurred.

2. **Respondent's Personal Data:** This 22-year-old airfield management apprentice with nearly 24 months of active service has received a referral enlisted performance report with an overall rating of "2" (Tab 5). A detailed summary of her personal data is contained in paragraph 2 of the Commander's Recommendation for Discharge letter, dated 19 Jun 98.

3. **Basis for Discharge:** Airmen are subject to discharge under AFI 36-3208, paragraphs 5.26.1 and 5.26.3 based on a documented failure to meet Air Force standards. The specific incidents are as follows:

a. **Unsatisfactory Duty Performance: Failure to Perform Assigned Duties Properly, Paragraph 5.26.1:**

(1) Respondent did, on or about 30 Jun 97, fail to participate in a detail at 0815. On 27 Jun 97, the previous First Sergeant, MSgt [REDACTED] informed her of the detail and that the approximate times were from 0815 to 1100 and then 1600 to 1700. At that time, Respondent informed MSgt [REDACTED] that she had no transportation and that she had a very important scheduled meeting with Captain [REDACTED] at the base legal office on 30 Jun 97 at 1130. Neither one of these factors prevented her participation in the

detail. When asked why she was not at the detail, she responded that she did not know where the detail was located or the "exact time." Respondent again reminded MSgt [REDACTED] of her meeting with Captain [REDACTED] and gave additional reasons for her inability to participate in the detail, notably her pregnancy. Later, Lt [REDACTED] told his side of the story to Respondent's supervisor, TSgt [REDACTED]. Based on a prior discussion Lt [REDACTED] had with Respondent, he felt that Respondent knew about her pregnancy the previous Friday and she had no intentions of participating in the detail. Respondent had a pregnancy profile with an effective date of 24 Jun 97, but she did not inform anyone until 30 Jun 97. She did not provide said profile to TSgt [REDACTED] until 2 Jul 97. For this, Respondent received a letter of counseling (LOC) on 7 Jul 97 (Atch 1, Tab 1).

(2) Respondent did, on or about 3 Jul 97, fail to obey a written instruction, given by TSgt [REDACTED] not to watch television during a training session, as evidenced by an AF Form 623a, dated 22 Jun 97 (Atch 2, Tab 1). Not only was Respondent watching television, she was the one who turned it on. Again, TSgt [REDACTED] verbally instructed Respondent not to watch television. On 6 Jul 97, her trainer, SSgt [REDACTED] advised Respondent and SrA [REDACTED] to study the Career Development Course (CDC) material and particular regulations assigned to her for further testing. When SSgt [REDACTED] left the facility, Respondent turned on the television once again. It was only when SrA [REDACTED] told her that SSgt [REDACTED] had instructed both of them to study that she turned off the television. For failing to obey instructions from her superior, Respondent received a letter of reprimand (LOR) on 9 Jul 97 (Atch 2, Tab 1).

(3) Respondent did, on or about 5 Jul 97, fail to report for an 8-hour day shift at 0645L. She came to work at 0700L with her breakfast, proceeding to eat as if nothing mattered. For this, Respondent received an LOC on that same date (Atch 3, Tab 1).

(4) Respondent did, on or about 12 Jul 97, demonstrate a lack of professionalism and exhibit rudeness on the phone while working at the Command Post. On 15 Jul 97, Captain [REDACTED] explained to TSgt [REDACTED] a particular situation he had with Respondent on 12 Jul 97. He stated that the command post was extremely busy on that day with an Army detail on the 900 ramp and Respondent was being unprofessional and rude on the telephone. MSgt [REDACTED] Chief Controller, and MSgt [REDACTED] Deputy Chief Controller reported a similar situation that occurred on 7 Jul 97. Respondent's co-workers and a Tower Watch supervisor informed TSgt [REDACTED] about her unprofessional and rude behavior toward a tower controller over a problem with another trainee in Base Operations. As a trainee, Respondent was aware that she was not supposed to handle these situations on her own, but to pass them on to the duty officer or to TSgt [REDACTED]. Further, co-workers and duty officers approached TSgt [REDACTED] regarding Respondent's "standoffish attitude" and "quick" responses towards them. They found Respondent unapproachable, as evidenced by a bi-weekly evaluation, dated 7 Jul 97 (Atch 4, Tab 1).

(5) Respondent did, on or about 9 Jul 97, fail to follow instructions given by TSgt [REDACTED] on a locator card memo, dated 8 Jul 97, to go to the orderly room and

update her locator card by close of business on 9 Jul 97. Afterwards, she was to notify TSgt [REDACTED] that she had completed the task. Later, when TSgt [REDACTED] called the orderly room to check the address on Respondent's locator card, it still had her old address. Respondent's initials on the memo indicated that she acknowledged reading it. Updating her locator card was a requirement for an upcoming exercise. For her actions in paragraphs 2a (4) and 2a (5), Respondent received an LOR on 15 Jul 97 (Atch 4, Tab 1).

(6) Respondent did, on or about 24 Sep 97, fail to report for duty at 0650. She called the office but refused to discuss the situation with the duty officer, SSgt [REDACTED]. Respondent elected to talk to Mr. [REDACTED] whom she deceived about her present situation by telling him that she had a hospital appointment. When the shift supervisor, SSgt [REDACTED] asked Respondent about the incident, she stated that she had asked Mr. [REDACTED] for some time off in the morning so she could take care of some personal issues and he approved her absence. Then, on 25 Sep 97, Respondent called at 0645 and spoke with SSgt [REDACTED], telling him that she was going to sick call. Respondent did not inform them of her status until 1300, at which time she was called and instructed to report to duty. To make matters worse, she came to work in civilian clothes. For this, Respondent received an LOR on 2 Oct 97 (Atch 5, Tab 1).

(7) Respondent did, on about 8 Apr 98, fail to inform her superiors about the status of her military pay entitlements. She has been authorized BAS since 12 Jan 98, but she signed up for Subsistence in Kind (SIK), as evidenced by AF Form 1468 (SIK Invalid Entitlements Log). The NCOIC of the orderly room recalled briefing her that she would not be able to use SIK when she signed the BAS forms. For this, Respondent received an LOC on 17 Apr 98 (Atch 6, Tab 1).

(8) Respondent did, on or about 21 Apr 98, demonstrate a lack of initiative and team participation during a delivery of approximately 125 boxes of publications. She had to be instructed more than once to participate but avoided helping by stating she could not lift boxes. This type of behavior projected an image of laziness, or an attitude that she is too "good" to do manual labor, towards the rest of the personnel in her workshop. Further, she left the workshop without being properly relieved by the duty officer. For her actions in paragraphs 2a(7) and 2a(8), Respondent received an LOR on 22 Apr 98 (Atch 7, Tab 1).

b. Unsatisfactory Duty Performance, Failure in On-the-Job Training (OJT), Paragraph 5.26.3:

(1) On or about 8 Apr 98, SSgt Davis took Respondent out to do an airfield inspection and listed the following areas that needed improvement before she could be certified on the airfield. The improvements included: (a) make sure she is off the runway completely before calling off; (b) more practice with radio communication and make sure she understands what the control tower wants her to do; (c) learn the "exit" points, taxiway R, or dirt access road; (d) know the airfield status and active runway, closed taxiways, and other information important for inspections; and (e) get more

experience on emergencies. These deficiencies were evidenced by her daily evaluation checklist, dated 8 Apr 98 (Atch 8, Tab 1). Respondent was previously trained on the airfield by her past trainer, SSgt Turk.

(2) In her memorandum of 4 May 98 at Attachment 11, SSgt ██████ stated that on or about 19 Apr 98, Respondent was taken out on the airfield to do a runway/airfield inspection, a basic job task. When coming off one of the runways, Respondent proceeded across the other runway without permission from the control tower. The individual riding along with her took over the situation at that time. Respondent was unaware of what areas needed to be covered during an inspection other than the active runway and taxiway November. She was unaware of her mistake and the results it could have caused to aircraft and personnel. Respondent was verbally quizzed on the tower light gun signals and only got one right out of six. She was placed into remedial training and her AF Form 483, certificate of competence, was revoked. It was recommended that she be retested on the flight line driving regulation and be retrained on the airfield, as evidenced by a daily evaluation checklist, AF Forms 623a, and SSgt ██████ memorandum, dated 4 May 98 (Atchs 8, 9, and 11, Tab 1).

(3) SSgt ██████ stated that since returning from convalescent leave on 7 Mar 98, Respondent had been making mistakes with flight plans and been submitting information to improper agencies. She failed to demonstrate proficiency on numerous occasions in this area. When sending departure messages to the appropriate facilities, Respondent provided the wrong type of aircraft, enroute times and arrival information, as evidenced by AF Forms 623a and the LOR of 22 Apr 98 (Atch 7, Tab 1). Although these duties are minor individually, when they are combined together and done inaccurately, they contribute to a major problem. Respondent's lack of attention to detail and inability to retain lessons on the day to day tasks caused her to be decertified in this area. Respondent was given a few weeks to get reacquainted with Base Operations duties. Despite the additional time, she continued to make mistakes and was unable to retain knowledge of, or demonstrate competence in, the tasks her supervisors gave her (Atch 11, Tab 1).

(4) SSgt ██████ stated that on several different occasions, Respondent was unable to issue, replace, or cancel a Notice to Airmen (NOTAM) and an airfield advisory, as evidenced by AF Forms 623a (Atch 9, Tab 1). This information is vitally important for aircrews. Accuracy and timeliness are needed as well. Respondent was decertified in this area due to continuous errors and entered back into training (Atch 11, Tab 1).

(5) On or about 22 Apr 98, Respondent was decertified on several items in her AF Form 623 on-the-job (OJT) records. Although she was properly trained on these items, due to errors and the inability to retain knowledge, decertification was necessary, as evidenced by AF Forms 623a, dated 23 Apr 98 (Atch 8, Tab 1). In her memorandum of 23 Apr 98, the unit training manager, SSgt ██████ reviewed Respondent's OJT records and suggested that Respondent be decertified on all tasks that she cannot perform on her own. Pursuant to AFI 36-2201, paragraph 4.14.2, one of the trainee's responsibilities is to accept all opportunities for qualification in the appropriate skill level

within the assigned specialty. Moreover, the trainee must actively participate in the learning process. Respondent failed to accept this responsibility (Atch 10, Tab 1).

(6) A meeting was conducted on 13 May 98. In that meeting, Respondent stated that she had been treated unfairly by Mr. [REDACTED] and other co-workers of the shop. An example she gave was that Mr. [REDACTED] would look over her shoulder while she inputted data and corrected even the smallest mistake. Respondent also commented that Mr. [REDACTED] spoke to her in a condescending manner. However, when 60 OSS/CC asked Respondent if she felt the treatment was racially motivated, she said no. The 60 OSS/CC also met with Captain [REDACTED], the Flight Commander, CMSgt [REDACTED], and the First Sergeant, MSgt [REDACTED] to discuss her case. CMSgt [REDACTED] initiated an investigation to ensure that no personality conflicts, racial discrimination, or sexual mistreatment surrounded her failure to meet OJT requirements. The investigation revealed that her failure to meet OJT training requirements was not due to any personality conflicts. In fact, Respondent received many accolades and positive criticisms for her initial performance. Although she was made aware her deficiencies, Respondent showed no improvement. With these factors in mind, 60 OSS/CC determined that Respondent was afforded ample opportunity by her supervisors in an attempt to upgrade her to 5-skill level status. Despite these efforts, she has not accepted responsibility for her 5-skill level training. Because she was decertified on several items, Respondent was to be placed in Training Status Code "T" for failure to progress according to AFI 36-2201, Attachment 4.

4. **Respondent's Statement:** Following notification on 26 May 98, Respondent was informed of her right to consult counsel and to submit matters in response to the proposed action (Tab 1). On 29 May 98, Respondent conferred with counsel. On 1 Jun 98, she submitted a statement, seeking retention in the Air Force. Along with her statement, she provided 13 character reference letters, letters of counseling and reprimand, responses to training evaluations, personal documentation, referral EPR and response, and several memorandums for record (Tab 3). Respondent realizes that she has "not worked out" over at Base Operations, but she enjoyed and excelled in the past month of working in the orderly room. She feels her work performance in the orderly room has been reliable and consistent. If retained, Respondent believes that she can be a valuable asset to the Air Force.

5. **Appropriateness of Discharge:**

a. Airmen are subject to discharge for unsatisfactory performance based on documented failure to meet Air Force standards. Further, airmen should be discharged when their unsatisfactory performance or conduct shows they are not qualified for service with the Air Force. Performance in the Air Force includes, but is not limited to, work done as assigned duties, military training, bearing, and behavior. It necessarily includes the member's continuing responsibility for maintaining the high standards of personal behavior and conduct required of military members at all times. Continued service in the Air Force is judged on the basis of conduct and ability. Members must meet required standards of duty, performance, and discipline. Respondent's failure to

perform assigned duties properly and to meet upgrade training requirements supports discharge.

b. In his statement of 8 Jun 98 at Attachment 2, 60 OSS/CC states that after a careful review of Respondent's written presentation, he found that Respondent continually reflected her failure to accept responsibility for her progression in OJT. She placed the blame on others for her mistakes by claiming that she was improperly trained, or that correcting her was meant as a distraction or as harassment. According to 60 OSS/CC, Respondent claimed that NCOs and her trainers would only dwell on her mistakes, fabricate scenarios, make untruthful comments to supervisors about her performance, and would blow incidents out of proportion. Although Respondent has performed well over a short period of time she has worked in the orderly room, she displayed the same attitude for a short while when she returned from her extended convalescent leave. Given enough time, 60 OSS/CC believes that Respondent will lapse back into the same behavior pattern she has displayed at Base Operations, rendering her unproductive and a burden to her duty section.

c. Once convinced that there is a basis for Respondent's discharge, her entire military record is evaluated when deciding whether it is appropriate to discharge her. Despite the unit's rehabilitative efforts to aid Respondent in improving her conduct and behavior, including extensive involvement in OJT training, she failed to make the necessary improvements to remain an Air Force member. The 60 OSS/CC explored the possibility of Respondent cross-training into another career field, but learned that Respondent is not eligible for retraining because of her referral EPR. Accordingly, discharge is appropriate.

6. Characterization of Discharge: The service of airmen discharged under paragraphs 5.26.1 and 5.26.3 will be characterized as honorable or general pursuant to AFI 36-3208, paragraph 5.28.2.

a. I disagree with the 60 OSS/CC's recommendation for an honorable discharge. An honorable characterization is warranted if Respondent's service generally meets Air Force standards of acceptable conduct and performance of duty or whose service has been so meritorious that any other characterization would be clearly inappropriate. Such characterization is reserved to those airmen who served honorably and Respondent's record arguably does not meet this standard. Respondent's unsatisfactory duty performance over a 9-month period resulted in 4 LORs, 3 LOCs, and a referral EPR. Given Respondent's military record of inappropriate behavior and conduct and unsatisfactory duty performance, I do not believe an honorable discharge is appropriate.

b. In my opinion, a general discharge appropriately characterizes Respondent's service. Such characterization is appropriate when significant negative aspects of the airman's conduct or performance outweigh the positive aspects of the airman's military record. As reflected by her referral EPR, Respondent's overall performance is marred by inconsistency: signs of promise, such as passing her 5-skill level test and sporadic

high points with daily training offset by tardiness, unwillingness to accept responsibility, and less-than-professional conduct. Respondent allowed distractions affect her duty performance. In my opinion, significant negative aspects of Respondent's duty performance; i.e., failure to accept responsibility for the 5-skill level training, failures to obey, tardiness, failure to participate in detail duty, lack of professionalism and rudeness on the telephone, lack of initiative and team participation, and failure to inform superiors of her pay entitlements, outweigh the positive aspects of her service record. Reasonable minds can differ, however; 60 OSS/CC and 60 OG/CC believe Respondent's service has generally met Air Force standards of acceptable conduct and performance of duty.

c. AFI 36-3208, paragraph 6.45 provides that if the separation authority directs discharge for more than one reason, the instrument directing discharge must cite the primary reason. Although Respondent's failure to perform assigned duties properly was sufficient to warrant her discharge, 60 OSS/CC's recommendation for discharge was a direct result of Respondent's decertification. For that reason, the primary basis for discharge is paragraph 5.26.3, Failure to Progress in On-the-Job Training (OJT).

d. Pursuant to AFI 36-3208, paragraph 6.12.4, if the initiating commander recommends an honorable discharge and the separation authority approves a general discharge, the approval letter must cite the specific aspects of the military record that warrant the general discharge.

7. Probation and Rehabilitation (P&R):

a. P&R is not appropriate. AFI 36-3208, paragraph 5.2 provides that airmen should have an opportunity to overcome their deficiencies before discharge action starts. A commander's efforts to rehabilitate an airman may include formal or informal counseling, control roster action, punishment under Article 15, UCMJ, a change in duty assignment, demotion, additional training or duty, retraining, or other administrative action. P&R is based on the principle of conditional suspension of administrative discharge for cause in deserving cases. P&R should be offered, when it is reasonably possible to do so for those airmen: (a) who have demonstrated a potential to serve satisfactorily; (b) who have the capacity to be rehabilitated for continued military service or for completion of the current enlistment; and, (c) whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force.

b. AFI 36-3208, paragraph 7.4 provides that if the reason for discharge is unsatisfactory performance or misconduct, the case file must show that P&R was considered by the initiating commander, the board members if a hearing is involved, and the separation authority. If the initiating commander does not recommend P&R, the reason must be given. After reviewing Respondent's record, 60 OSS/CC determined Respondent is not a viable candidate for P&R. Despite the unit's rehabilitation efforts in the form of 4 LORs, 3 LOCs, and a referral EPR, Respondent's behavior showed minimal improvement. Further, the unit's implementation of an

extensive OJT campaign to increase Respondent's chances of meeting her 5-skill level training requirement has failed. Respondent has not displayed the requisite desire to improve herself, either through job performance or OJT. All rehabilitative efforts to assist Respondent in her 5-skill level training have failed to produce any positive change in her behavior. Respondent's actions indicate she has no capacity to be rehabilitated for continued military service or for the completion of her current enlistment.

8. **Options:** As the Special Court-Martial Convening Authority, you personally approve or disapprove discharges under AFI 36-3208, paragraphs 5.26.1 and 5.26.3, and your options are to:

a. Withdraw this action and retain Respondent, or,

b. Discharge Respondent with an honorable or general discharge with or without P&R, with either paragraph 5.26.1 or 5.26.3 as the primary reason for discharge.

9. **Recommendation:** Discharge the respondent with a general discharge without P&R, by signing the appropriate letter at Attachment 1, utilizing paragraph 5.26.3 as the primary reason for discharge. Should you decide to discharge the Respondent with an honorable discharge without P&R, an alternate letter is also included at Attachment 1.


Major, USAF
Acting Staff Judge Advocate

Attachments:

1. Proposed Letter
2. 60 OSS/CC Memorandum, 8 Jun 98
3. Case File (A1C Fleming)

DEPARTMENT OF THE AIR FORCE
60TH OPERATIONS SUPPORT SQUADRON (AMC)

26 May 98

MEMORANDUM FOR A1C [REDACTED]

FROM: 60 OSS/CC
371 Hangar Avenue
Travis AFB CA 94535-2611

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Duty Performance: Failure to Perform Assigned Duties Properly and Failure to Progress in On-the-Job Training (OJT). The authority for this action is AFD 36-32 and AFI 36-3208, paragraphs 5.26.1 and 5.26.3, respectively. 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. Unsatisfactory Duty Performance, Failure to Perform Assigned Duties Properly, Paragraph 5.26.1:

(1) You did, on or about 30 Jun 97, fail to participate in a detail at 0815. On 27 Jun 97, the previous First Sergeant, MSgt [REDACTED] informed you of the detail and that the approximate times were from 0815 to 1100 and then 1600 to 1700. At that time, you informed MSgt [REDACTED] that you had no transportation and that you had a very important meeting scheduled on 30 Jun 97 at 1130. You indicated that the meeting was with Captain [REDACTED] at the base legal office. Neither one of these factors prevented your participation in the detail. When asked why you were not at the detail, you responded that you did not know where the detail was located or the "exact time." You again reminded MSgt [REDACTED] of your meeting with Captain [REDACTED] and gave additional reasons for your inability to participate in the detail, notably your pregnancy. Later, Lt [REDACTED] told his side of the story to your supervisor, TSgt [REDACTED]. Based on a prior discussion the two of you had, Lt [REDACTED] felt that you knew about your pregnancy the previous Friday and had no intentions of participating in that detail. You had a pregnancy profile with an effective date of 24 Jun 97, but you did not inform anyone until 30 Jun 97. You did not provide said profile to TSgt [REDACTED] until 2 Jul 97. For this, you received a letter of counseling (LOC) on 7 Jul 97 (Atch 1, Tab 1).

(2) You did, on or about 3 Jul 97, fail to obey a written instruction, given by TSgt [REDACTED] not to watch television during a training session, as evidenced by an

AF Form 623a, dated 22 Jun 97 (Atch 2, Tab 1). In fact, not only were you watching television, you were the one who turned it on. Again, TSgt [REDACTED] verbally instructed you not to watch television. On 6 Jul 97, your trainer, SSgt [REDACTED] advised you and SrA [REDACTED] to study your Career Development Course (CDC) material and particular regulations assigned to you for further testing. When SSgt [REDACTED] left the facility, you turned on the television once again. It was only when SrA [REDACTED] told you that SSgt [REDACTED] had instructed both of you to study that you turned off the television. For failing to obey instructions from your superior, you received a letter of reprimand (LOR) on 9 Jul 97 (Atch 2, Tab 1).

(3) You did, on or about 5 Jul 97, fail to report for an 8-hour day shift at 0645L. You came to work at 0700L with your breakfast, proceeding to eat as if nothing mattered. For this, you received an LOC on that same date (Atch 3, Tab 1).

(4) You did, on or about 12 Jul 97, demonstrate a lack of professionalism and exhibit rudeness on the phone while working at the Command Post. On 15 Jul 97, Captain [REDACTED] explained to TSgt [REDACTED] a particular situation he had with you on 12 Jul 97. He stated that the command post was extremely busy on that day with an Army detail on the 900 ramp and you were being unprofessional and rude on the telephone. A similar situation occurred on 7 Jul 97 and was reported by MSgt [REDACTED] Chief Controller, and MSgt [REDACTED] Deputy Chief Controller. Your co-workers and a Tower Watch supervisor informed TSgt [REDACTED] about your unprofessional and rude behavior toward a tower controller over a problem with another trainee in Base Operations. As a trainee, you were aware that you were not supposed to handle these situations on your own, but to pass them on to the duty officer or to TSgt [REDACTED]. Further, your co-workers and duty officers approached TSgt [REDACTED] regarding your "standoffish attitude" and your "quick" responses towards them. They found you unapproachable, as evidenced by a bi-weekly evaluation, dated 7 Jul 97 (Atch 4, Tab 1).

(5) You did, on or about 9 Jul 97, fail to follow instructions given by TSgt [REDACTED] on a locator card memo, dated 8 Jul 97, to go to the orderly room and update your locator card NLT close of business on 9 Jul 97. Afterwards, you were to notify TSgt [REDACTED] that you had completed the task. Later, when TSgt [REDACTED] called the orderly room to check the address on your locator card, it still had your old address. Your initials on the memo indicated that you acknowledged reading it. Updating your locator card was a requirement for an upcoming exercise. For your actions in paragraphs 2a (4) and 2a (5), you received an LOR on 15 Jul 97 (Atch 4, Tab 1).

(6) You did, on or about 24 Sep 97, fail to report for duty at 0650. You called the office but refused to discuss the situation with the duty officer, SSgt [REDACTED]. You elected to talk to Mr. [REDACTED], whom you deceived about your present situation by telling him that you had a hospital appointment. When the shift supervisor, SSgt [REDACTED] asked you about the incident, you stated that you had asked Mr. [REDACTED] for some time off in the morning so you could take care of some personal issues and he approved your absence. Then, on 25 Sep 97, you called at 0645 and spoke with SSgt [REDACTED] telling him that you were going to sick call. You did not inform them of

your status until 1300, at which time you were called and instructed to report to duty. To make matters worse, you came to work in civilian clothes. For this, you received an LOR on 2 Oct 97 (Atch 5, Tab 1).

(7) You did, on about 8 Apr 98, fail to inform your superiors about the status of your pay entitlements. You have been authorized BAS since 12 Jan 98, but you signed up for Subsistence in Kind (SIK), as evidenced by AF Form 1468 (SIK Invalid Entitlements Log). The NCOIC of the orderly room recalled briefing you that you would not be able to use SIK when you signed the BAS forms. For this, you received an LOC on 17 Apr 98 (Atch 6, Tab 1).

(8) You did, on or about 21 Apr 98, demonstrate a lack of initiative and team participation during a delivery of approximately 125 boxes of publications. You had to be instructed more than once to participate but avoided helping by stating you could not lift boxes. This type of behavior projects an image of laziness, or an attitude that you are too "good" to do manual labor, towards the rest of the personnel in your workshop. Further, you left the workshop without being properly relieved by the duty officer. For your actions in paragraphs 2a(7) and 2a(8), you received an LOR on 22 Apr 98 (Atch 7, Tab 1).

b. Unsatisfactory Duty Performance, Failure in On-the-Job Training (OJT), Paragraph 5.26.3:

(1) On or about 8 Apr 98, SSgt ██████ took you out to do an airfield inspection and listed the following areas that needed improvement before you could be certified on the airfield. The improvements included: (a) make sure you are off the runway completely before calling off; (b) more practice with radio communication and make sure you understand what the control tower wants you to do; (c) learn the "exit" points, taxiway R, or dirt access road; (d) know the airfield status and active runway, closed taxiways, and other information important for inspections; and (e) get more experience on emergencies. These deficiencies were evidenced by your daily evaluation checklist, dated 8 Apr 98 (Atch 8, Tab 1). You were previously trained on the airfield by your past trainer, SSgt Turk.

(2) In her memorandum of 4 May 98 at Attachment 11, SSgt ██████ stated that on or about 19 Apr 98, you were taken out on the airfield to do a runway/airfield inspection, a basic job task. When coming off one of the runways, you proceeded across the other runway without permission from the control tower. The individual riding along with you took over the situation at that time. You were unaware of what areas needed to be covered during an inspection other than the active runway and taxiway November. You were unaware of your mistake and the results it could have caused to aircraft and personnel. You were verbally quizzed on the tower light gun signals and only got one right out of six. At that time, you were placed into remedial training and your AF Form 483, certificate of competence, was revoked. It was recommended that you had to be retested on the flight line driving regulation and be retrained on the airfield, as

evidenced by a daily evaluation checklist, AF Forms 623a, and SSgt [REDACTED] memorandum, dated 4 May 98 (Atchs 8, 9, and 11, Tab 1).

(3) SSgt [REDACTED] stated that since returning from convalescent leave on 7 Mar 98, you have been making mistakes with flight plans and been submitting information to improper agencies. You failed to demonstrate proficiency on numerous occasions in this area. When sending departure messages to the appropriate facilities, you provided the wrong type of aircraft, enroute times and arrival information, as evidenced by AF Forms 623a and the LOR of 22 Apr 98 (Atch 7, Tab 1). Although these duties are minor individually, when they are combined together and done inaccurately, they contribute to a major problem. Your lack of attention to detail and inability to retain lessons on the day to day tasks has caused you to be decertified in this area. You were given a few weeks to get reacquainted with Base Operations duties. Despite the additional time, you continued to make mistakes and were unable to retain knowledge of and or demonstrate competence in the tasks your supervisors gave to you (Atch 11, Tab 1).

(4) SSgt [REDACTED] stated that on several different occasions, you were unable to issue, replace, or cancel a Notice to Airman (NOTAM) and an airfield advisory, as evidenced by AF Forms 623a (Atch 9, Tab 1). This information is vitally important for aircrews. Accuracy and timeliness are needed as well. You were decertified in this area due to continuous errors and entered back into training (Atch 11, Tab 1).

(5) On or about 22 Apr 98, you were decertified on several items in your AF Forms 623 on-the-job (OJT) records. Although you were properly trained on these items, due to errors and the inability to retain knowledge, decertification was necessary, as evidenced by AF Forms 623a, dated 23 Apr 98 (Atch 8, Tab 1). In her memorandum of 23 Apr 98, the unit training manager, SSgt [REDACTED] after reviewing your OJT records, suggested that you be decertified on all tasks that you cannot perform on your own. Pursuant to AFI 36-2201, paragraph 4.14.2, one of the trainee's responsibilities is to accept all opportunities for qualification in the appropriate skill level within the assigned specialty. Moreover, the trainee must actively participate in the learning process. You failed to accept this responsibility (Atch 10, Tab 1).

(6) A meeting was conducted on 13 May 98. In that meeting, you stated that you had been treated unfairly by Mr. [REDACTED] and other co-workers of the shop. An example you gave me was that Mr. [REDACTED] would look over your shoulder while you inputted data and corrected even the smallest mistake. You also commented that Mr. [REDACTED] spoke to you in a condescending manner. However, when I asked you if you felt the treatment was racially motivated, you said no. I also met with Captain [REDACTED], the Flight Commander, CMSgt [REDACTED], and the First Sergeant, MSgt [REDACTED] to discuss your case. CMSgt [REDACTED] initiated an investigation to ensure that no personality conflicts, racial discrimination, or sexual mistreatment surrounded your failure to meet OJT requirements. The investigation revealed that your failure to meet OJT training requirements was not due to any personality conflicts. In fact, you received many accolades and positive criticisms for your initial performance. Although you were made

aware of your deficiencies, you showed no improvement. With these factors in mind, I have determined that you were afforded ample opportunity by your supervisors in an attempt to upgrade you to 5 level status. Despite these efforts, you have not accepted responsibility for your 5 level training. Because you were decertified on several items, you were to be placed in Training Status Code "T" for failure to progress according to AFI 36-2201, Attachment 4.

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. If you are discharged, you will be ineligible for reenlistment in the Air Force.

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] Area Defense Counsel, Travis Air Force Base, California, 540 Airlift Drive, Suite D-100, Bldg. 381, DSN 837-[REDACTED] Commercial: (707) [REDACTED]** on 29 May 98 at 0900. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your behalf. Any statements you want the separation authority to consider must reach me by (three workdays from service of this letter) 29 May 98, no later than 1635 hours unless you request and receive an extension for good cause. I will send any documents you submit to the separation authority.

6. If you fail to consult counsel or to submit statements on your behalf, your failure will constitute a waiver of your right to do so.





7. You have previously been scheduled to a separation physical examination at the Physical Exams Section, David Grant Medical Center on 8 May 98.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement of 1974. A copy of AFI 36-3208 is available for your use in the orderly room.

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


Col, USAF
Commander

Attachments

1. LOC, 7 Jul 97 w/1 Atch
2. LOR, 9 Jul 97 w/1 Atch
3. LOC, 5 Jul 97
4. LOR, 15 Jul 97 w/4 Atchs
5. LOR, 2 Oct 97
6. LOC, 17 Apr 98 w/2 Atchs
7. LOR, 22 Apr 98 w/2 Atchs
8. AF Forms 623 with Atchs
9. Daily Evaluation Checklists
10. SSgt  Memorandum, 23 Apr 98
11. SSgt  Memorandum, 4 May 98 w/1 Atch
12. CMSgt  Memorandum, 6 May 98
13. 60 OSS/CC Memorandum, 15 May 98
14. A1C  Memorandum, undated w/Atchs
15. Other Derogatory Data:
 - a. 60 DS/SGD Memorandum, 21 Jan 97
 - b. 60 DS/SGD Memorandum, 3 Feb 97



**DEPARTMENT OF THE AIR FORCE
REVIEW BOARDS OFFICE
RANDOLPH AIR FORCE BASE TEXAS**

OFFICE OF THE ASSISTANT SECRETARY

OCT 19 2001

SAF/MIBR
550 C Street West Ste 40
Randolph AFB TX 78150-4742


SELMA AL 36703-

Dear Applicant

Your application for review of your discharge and your military records have been sent to the Air Force Discharge Review Board (AFDRB) in Washington D.C. Attachment 1 of this letter contains important information concerning the processing of your case. **Please read it carefully and complete the Discharge Review Board notice included.** The AFDRB encourages you to obtain counsel, either at your own expense or by using one of the agencies listed in attachment 2.

Your case will be processed as expeditiously as possible, but the actual processing time will be determined by the number of cases to be reviewed by the AFDRB, the hearing location, and whether you requested a personal appearance or a records review. Personal appearance cases in Washington D.C. are processed more quickly. The average processing time for AFDRB cases currently exceeds twelve months. Inquiries prior to that time will delay application processing.

Correspondence to the AFDRB should be addressed to:

**AIR FORCE PERS COUNCIL (DRB)
1535 COMMAND DR EE WG 3RD FLR
ANDREWS AFB MD 20762-7002**

Point of contact for questions pertaining to your application is Mr. Tony Iacona.

Sincerely


Chief Review Boards Office
Air Force Review Boards Agency

- 2 Attachments:
1. General Information
2. AFDRB Notice

FL-44
Revised 18 Apr 01