

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	UOTHC	OTHER	DENY
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X
[REDACTED]					X

ISSUES A94.53	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 03-01-10	CASE NUMBER FD2002-0203	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 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 and the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
[REDACTED]	[REDACTED]

INDORSEMENT	DATE: 03-01-10
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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

FD2002-0203

GENERAL: The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for his discharge.

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. He had at least one verbal counseling, three Letters of Counseling, one Letter of Reprimand, and an Article 15. There were also eight other memorandums for record regarding his misconduct, which included multiple instances of failure to go over a 7-month period, and twice failing his Career Development Course End-of-Course examination. He was both inattentive at his post as a Security Forces member, and fell asleep at his post. He had two dress and appearance violations (not in uniform when required to be), and failed two Quality control evaluations for base entry controller duties. His only Enlisted Performance Report stated he displayed a languid attitude toward his duties and required intense supervision. At the time of the discharge, applicant submitted a statement in his own behalf, requesting retention, or in the alternative, an honorable discharge. The Discharge Review Board (DRB) noted that member was responsible for his actions of misconduct and was properly held accountable for those. He was counseled repeatedly and given numerous opportunities to conform his behavior but failed to respond to those rehabilitative efforts. With regard to the unsatisfactory performance, he was given numerous opportunities to improve and make satisfactory progress, but failed to do so. No inequity or impropriety was found in this discharge in the course of the records review.

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

PARTIAL MEDICAL RECORDS

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 02/04/12 UP AFI 36-3208, para 5.49 and 5.26.3 (Misconduct - Minor Disciplinary Infractions and Unsatisfactory Performance). Appeals for Honorable Discharge and Change to Discharge Reason.

2. **BACKGROUND:**

a. DOB: 79/11/19. Enlmt Age: 20 2/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: N/A. A-46, E-52, G-39, M-34. PAFSC: 3P031 - Security Forces. DAS: 00/08/24.

b. Prior Sv: (1) AFRes 00/01/31 - 00/03/28 (1 Mo 28 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 00/03/29 for 6 yrs. Svd: 2 Yrs 0 Mo 14 Das, all AMS.

b. Grade Status: A1C - 00/05/12

c. Time Lost: None.

d. Art 15's: (1) 01/09/25, Tyndall AFB, FL - Article 113, You, on or about 15 Sep 01, being posted as a sentinel at building 486, was found sleeping upon your post. Suspended reduction to the grade of AMN, forfeiture of \$100.00 pay per month for 2 months, 15 days extra duty, and a reprimand. (No appeal) (No mitigation)

E. Additional: MFR, 20 MAR 02 - CDC Failure.

MFR, 18 MAR 02 - Counseling on CDC EOC test.

MFR, 18 MAR 02 - Counseling on CDC EOC test.

MFR, 01 MAR 02 - Counseling on CDC EOC failure.

MEMO, 17 JAN 02 - CDC Failure.

LOC, 30 DEC 01 - Failure to go.

MEMO, 27 DEC 01 - Failure to report for an appointment.

MEMO, 12 DEC 01 - Failure to report for an appointment.

MFR, 18 NOV 01 - Late for testing and out of uniform.

VERBAL COUNSELING, 5 SEP 01 - Overdue STAR account.

LOC, 25 JUL 01 - Late for work.

LOC, 20 JUL 01 - Failure to be attentive on post.

LOR, 22 MAY 01 - Failure to go.

f. CM: None.

g. Record of SV: 00/03/29 - 01/10/15 Tyndall AFB 3 (HAF Dir)

(Discharged from Tyndall AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (2) Mos (12) Das
TAMS: (2) Yrs (0) Mos (14) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/28.
(Upgrade Discharge to Honorable and Change Discharge Reason)

NO ISSUES SUBMITTED.

ATCH

None.

02/11/07/cr

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

APR 03 2002

MEMORANDUM FOR 325 FW/CC

FROM: 325 FW/JA

SUBJECT: Legal Review – Administrative Discharge [REDACTED]
325 SFS/CC

1. I have reviewed the attached discharge file concerning [REDACTED] and I find it both procedurally correct and legally sufficient to support his discharge.

2. **Background.** The SFS Operations Officer, [REDACTED], was placed on G-series orders while the SFS commander, [REDACTED], was out of the area; [REDACTED] notified [REDACTED] of her intent to recommend discharge on 25 March 2002. [REDACTED] accomplished this pursuant to instructions from [REDACTED] that she should initiate discharge action against [REDACTED] in [REDACTED] absence. [REDACTED] recommends discharge under for both Misconduct (Minor Disciplinary Infractions) and Unsatisfactory Performance (Failure to Progress in On-the-Job-Training). [REDACTED], in consultation with [REDACTED], recommends a service characterization of under honorable conditions (general).

3. **Basis for Discharge.**

a. A member is discharged for misconduct when he or she fails to maintain, both on and off duty, the high standards of personal conduct set forth for members of the Air Force. In this case, [REDACTED] engaged in various minor disciplinary infractions including several failures to go, sleeping on post, and inattention to duty while on post as a sentry. These instances form a sufficient basis to discharge this airman for Minor Disciplinary Infractions.

b. An airman should be discharged for unsatisfactory performance when his or her performance or conduct shows he or she is not qualified for service with the Air Force. An airman may be discharged based on documented failures to meet Air Force standards that were not overcome by counseling and rehabilitation. In this case, [REDACTED] failed his Career Development Course (CDC) end of course exam twice. He was counseled concerning study techniques, and the importance of passing his exams, by several members of his squadron. Therefore, his failures form a sufficient basis to discharge him for Failure in On-the-Job Training.

4. **Matters Submitted by Respondent.** [REDACTED] submitted a personal statement in response to this action. He states that he has always experienced difficulty testing because of the stress involved with actually accomplishing an exam. He believes, however, that he has the ability to continue service in the Air Force. He asks that, if you do decide to discharge him, he receive a service characterization of honorable. He wishes to receive GI Bill benefits and also believes it will be more difficult to get into college than it otherwise would be if he receives a general discharge. It should be noted, however, that it would be unlikely that [REDACTED] would receive GI Bill benefits even if he was granted an honorable discharge, because eligibility for benefits usually requires three years of active duty service.

5. **Characterization of Discharge.** [REDACTED] may receive a general or honorable discharge. Alternatively, this discharge may be reinitiated, extending [REDACTED] the right to a board hearing, if you decide an "Under Other Than Honorable Conditions" discharge is appropriate in this case. [REDACTED] recommends [REDACTED] service be characterized as general. The negative aspects of his service outweigh the positive aspects of his military service. In addition to failing his CDC end of course exam on two occasions, [REDACTED] engaged in several instances of minor misconduct to include sleeping on post and failures to go. Additionally, his duty performance has been marginal, and [REDACTED] believes that [REDACTED] CDC failures occurred because [REDACTED] did not take passing his exams seriously. He was instructed to sign in for training every day but never did so. A general discharge is appropriate in this case.

6. **Legal and Procedural Sufficiency.**

a. The case file is free from any errors or irregularities that would substantially prejudice any of the respondent's substantive or procedural rights. My review indicates a sufficient amount of evidence to support discharge.

b. [REDACTED] performance and conduct have not been of the nature that the Air Force expects of its airmen. His duty performance was marginal, as evidenced by his December 2001 referral EPR and two Quality Control evaluation failures. This marginal performance is further evidenced by the fact he failed his CDC end of course exam on two occasions, after counseling concerning study habits and being instructed to study for at least one hour per day. The overall record of marginal performance refutes [REDACTED] contention that he failed his CDC end of course exams because he is a poor test taker. Furthermore, [REDACTED] also engaged in several instances of minor misconduct. He was found sleeping on post, being inattentive on post, and failed to go to his place of duty at the appointed time on several occasions.

7. **Probation and Rehabilitation.** [REDACTED] does not recommend probation and rehabilitation in this case because [REDACTED] poor performance and misconduct indicate retention and cross training is not appropriate. [REDACTED] 20 March 2002 memorandum also supports immediate discharge. He does not believe that A1C [REDACTED] will progress in upgrade training or perform effectively if he is retained and retrained into another career field. The evidence suggests a trend of marginal performance, inattention, and apathy.

It is unlikely probation and rehabilitation would effectuate a change. I agree that probation and rehabilitation would likely be ineffective.

8. *Options.* As the SPCM convening authority, you may:

- a. decide the case is without merit and retain [REDACTED]; or
- b. order the case initiated again, extending the respondent the right to a board hearing, if you believe separation with an other than under honorable conditions discharge is more appropriate; or
- c. approve the respondent's separation with a general discharge, with or without probation and rehabilitation; or
- d. forward the file to 19 AF/CC with the recommendation that he direct that the respondent be discharged with an honorable discharge.

9. I recommend that you direct that [REDACTED] be discharged with a general discharge without probation and rehabilitation.

[REDACTED]
[REDACTED] USAF
Staff Judge Advocate



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0203

25 MAR 2002

MEMORANDUM FOR [REDACTED]

FROM: 325 SFS/CC

SUBJECT: Notification Memorandum—Administrative Discharge

1. I am recommending your discharge from the United States Air Force for Misconduct: specifically, Minor Disciplinary Infractions and Unsatisfactory Performance: specifically, Failure to Progress in On-The-Job Training. The authority for this action is Air Force Policy Directive 36-32 and Air Force Instruction 36-3208, Chapter 5, Section H, para 5.49 and Chapter 5, Section E, para 5.26.3. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. Your unsatisfactory performance based on your documented failure to meet Air Force standards by failing to progress in on-the-job training. Specifically, you failed your Career Development Course (CDC) end of course exam twice, as evidenced by a commander's evaluation dated, 20 Mar 02, 2 MFRs dated 18 Mar 02, MFR dated 1 Mar 02, MFR dated 17 Jan 02, Student History dated 16 Jan 02, and CDC Briefing. (Atch 1a)

b. You did, at or near Tyndall Air Force Base, on or about 14 November 2001, without authority, fail to go at the time prescribed to a mandatory appointment at the 325th Medical Clinic, as evidenced by a LOC dated 30 December 2001. (Atch 1b)

c. As evidenced by an Article 15, finalized 25 September 2001:

You, on or about 15 September 2001, at or near Tyndall Air Force, Florida, being posted as a sentinel at building 486, were found sleeping upon your post. (Atch 1c)

d. You, did, at or near Tyndall Air Force Base, on about 25 July 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 659, 325 Security Forces Squadron, as evidenced by a LOC dated 25 July 2001. (Atch 1d)

e. You, on or about 20 July 2001, at or near Tyndall Air Force, Florida, being posted as a sentinel at Sabre Drive Gate, were found not being attentive upon your post, as evidenced by a LOC dated 20 July 2001. (Atch 1e)

f. You, did, at or near Tyndall Air Force Base, on about 18 May 2001, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: building 659, 325 Security Forces Squadron, as evidenced by a LOR dated 22 May 2001. (Atch 1f)

FOR OFFICIAL USE ONLY

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial 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 and will probably be denied enlistment in any component of the armed forces.
4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. An appointment has been made for you to consult [REDACTED] Area Defense Counsel, Bldg. 1005 (3-2911) at _____ on _____. You may consult civilian legal counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within three (3) workdays unless you request and receive an extension, in writing, for showing good cause. I will send them to the separation authority.
6. If you fail to consult counsel or submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a medical records check as part of this discharge process. You must report to the NCOIC, Physical Examinations, Building 1465 (3-7673), Monday, Tuesday, Thursday or Friday between 1330 and 1500 to complete this medical records check.
8. You have been scheduled for a separations briefing. You must report to 325 MSS/DPMAR (Separations) section at 1400 on 25 Mar 02.
9. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in the unit personnel office.
10. Execute the attached acknowledgment and return it to me immediately.

[REDACTED] USAF
Commander, 325 SFS

Attachments:

- 1a. Commander's Evaluation, dated 20 Mar 02, 2 MFRs, dated 18 Mar 02, MFR, dated 1 Mar 02, MFR, dated 17 Jan 02, Student History, dated 16 Jan 02, CDC Briefing
- 1b. LOC, dated 30 Dec 01
- 1c. MFR, dated 18 Nov 01
- 1d. Article 15, finalized 25 Sep 01
- 1e. LOC, dated 25 Jul 01
- 1f. LOC, dated 20 Jul 01
- 1g. LOR, dated 22 May 01
- 1h. Other Derogatory Information
2. Airman's Receipt of Notification Memorandum