

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE</b>	<b>PERSONAL APPEARANCE</b>	<b>X RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>YES</b></td> <td style="width: 50%;"><b>NO</b></td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	<b>YES</b>	<b>NO</b>		X		
<b>YES</b>	<b>NO</b>					
	X					

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

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A49.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
<b>HEARING DATE</b> 7 JAN 03	<b>CASE NUMBER</b> FD2002-0334	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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>INDORSEMENT</b>	<b>DATE: 7 JAN 03</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD02-0334

**GENERAL:** The applicant appeals for a Change in Reason and Authority for Discharge, and to change the RE Code.

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

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

**FINDINGS:** Change in Reason and Authority for Discharge along with a change in the RE Code is denied.

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

**ISSUE:** Applicant feels like the separation and reentry code should be changed. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base a change in reason and authority for discharge, or to change the RE Code. The records indicated the applicant received an Article 15 for failure to go and failed his CDC Course exam twice and was honorable discharged. Airmen are subject to discharge for unsatisfactory performance based on documented failure to meet Air Force standards. Failure to progress in on-the-job training is one example of how an airman may fail to meet standards, and failing twice to achieve a passing mark on the CDC exam constitutes failure to progress. The Board concluded that the characterization, reason and authority of the applicant's discharge were appropriate due to the CDC failures.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for change in reason and authority for discharge, thus the applicant's discharge should not be changed.

Attachment:  
Examiner's Brief

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

MISSING MEDICAL RECORDS

[REDACTED]  
[REDACTED]  
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 12 JUL 02 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job Training). Appeals for a Change in Reason and Authority for Discharge and RE Code.

2. **BACKGROUND:**

a. DOB: 22 JUL 81. Enlmt Age: 17 4/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-58, E-64, G-66, M-52. PAFSC: 4N131 - Surgical Services Apprentice. DAS: 01 Nov 99.

b. Prior Sv: (1) AFRes 19 DEC 98 - 14 SEP 99 (8 months 26 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as Amn 15 SEP 99 for 4 yrs. Svd: 02 Yrs 09 Mos 28 Das, all AMS.

b. Grade Status: A1C - 15 JUL 00

c. Time Lost: None.

d. Art 15's: (1) 03 Dec 01, Sheppard AFB, TX - Article 86. You did, on or about 24 Oct 01, without authority, fail to go at the time prescribed to your appointed place of duty. Suspended reduction to Amn, 18 days correctional custody, and a reprimand. (No appeal) (No mitigation)

e. Additional: EOC, 16 NOV 01 - Failed CDC end of course exam.  
EOC, 06 SEP 01 - Failed CDC end of course exam.

f. CM: None.

g. Record of SV: 15 Sep 99 - 14 May 01 Sheppard AFB 3 (Initial)

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR, AFOUA, NDSM.

i. Stmt of Sv: TMS: (03) Yrs (06) Mos (24) Das  
TAMS: (02) Yrs (09) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Jul 02.  
(Change RE Code and Reason and Authority for Discharge)

FD2002-0334

ISSUE: Feel the separation and reentry code should of changed.

ATCH

1. DD Form 214.

18NOV02/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

14 June 2002

MEMORANDUM FOR 82 TRW/CC

FROM: 82 TRW/JA

SUBJECT: Legal Review, Recommendation for Discharge - [REDACTED]

1. We reviewed this discharge case file and find it legally sufficient to support discharge in accordance with the provisions of AFI 36-3208. Based upon our review, we conclude that the incidents documented within this file sufficiently support [REDACTED] discharge from the Air Force. We concur with the 82 MDOS/CC that [REDACTED] should be discharged with an honorable discharge in accordance with AFI 36-3208, paragraph 5.26.3 (failure to progress in on-the-job training), without further opportunities for probation and rehabilitation.

2. Basis for Action. On 11 Jun 02, the 82 MDOS/CC notified [REDACTED] that he was recommending that [REDACTED] be discharged from the service due to his failure to progress in on-the-job training.

3. Evidence for the Commander. The preponderance of the evidence in the case file supports the squadron commander's recommendation. (See Notification Letter at Tab 1.)

4. Additional Information. The respondent is 20 years old, began his present enlistment on 15 Sep 99, and was assigned to his unit on 1 Nov 99. He has consulted counsel and has waived his right to submit statements for your consideration.

5. In accordance with AFI 36-3208, your options are to:

- a. Direct [REDACTED] retention;
- b. Direct that he be discharged with an honorable discharge; or
- c. Suspend the honorable discharge and recommend Probation and Rehabilitation.

6. If you have any questions regarding this matter, please contact me at ext 6-2113.

[REDACTED]  
[REDACTED] Colonel, USAF  
Staff Judge Advocate


Attachment:  
Case File

*This communication is privileged as attorney work product and/or attorney-client communication or is protected by another privilege recognized under the law. Do not distribute, forward, or release without the prior approval of the sender or 82 TRW/JA.*



7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use in the Commander's Support Staff Office.

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

  
III, Col, USAF, MC, SFS  
Commander

Attachments:

1. 82 MDOS/CC Memo, 26 Apr 02
2. E-mail, SSgt Dale, 22 May 02
3. 82 MDOS/CC Memo, 17 Dec 01
4. CDC Report of Course Exam, 19 Nov 01
5. 82 MDOS/SGOSB Memo, 19 Oct 01
6. CDC Report of Course Exam, 10 Sep 01
7. AF Form 623a, 29 Jun 00 to 24 Apr 02
8. Student Training Report, 00003
9. Airman's Receipt of Notification Memo 