

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 | | | |
| COUNSEL | | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | |
| YES | NO | | | | | |
| | X | | | | | |
| MEMBERS SITTING | | VOTE OF THE BOARD | | | | |
| | | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | | X |
| | | | | | | X |
| | | | | | | X |
| | | | | | | X |
| ISSUES A92.01, A92.15 | | INDEX NUMBER A49.00 | | EXHIBITS SUBMITTED TO THE BOARD | | |
| HEARING DATE 03-01-24 | | CASE NUMBER FD2002-0346 | | 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 | |
| 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: 03-01-24 | | | |
| 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 | | | |

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0346

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 that neither the evidence of record nor that provided by the applicant substantiates an impropriety or inequity that would justify an upgrade of the discharge to honorable.

Issues. Applicant was discharged for unsatisfactory performance, namely failure to progress in on-the-job training. He failed his Career Development Course End-of-Course examination on four occasions. After his second failure, his chain of command requested a waiver in his behalf to allow him to remain in training and have another opportunity to retest. His command also gave him time to study during the duty day, enrolled him in the Study Skills Course, and administered the Air Force Reading Achievement Test to him. These efforts disclosed no reading comprehension difficulties or learning deficiencies. Member's Air Force Qualifying Test scores would further indicate he had the ability to pass the examinations. At the time of the discharge, it was recommended member's service be characterized as under honorable conditions (general) due to the assessment that his course failures were due to his apathetic attitude, intentional lack of effort and his stated desire to separate due to having civilian employment awaiting him. Additionally, applicant waived his right to consult counsel and to submit a statement in his own behalf at the time of the discharge processing. The Discharge Review Board (DRB) noted that member was given numerous opportunities to improve his performance 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

[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 30 JAN 02 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job-Training). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 27 Sep 78. Enlmt Age: 19 8/12. Disch Age: 23 4/12. Educ: HS DIPL. AFQT: N/A. A-67, E-76, G-70, M-84. PAFSC: 2W131 - F-16 Aircraft Armament Systems Apprentice. DAS: 13 May 99.

b. Prior Sv: (1) AFRes 18 Jun 98 - 19 Aug 98 (2 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 20 Aug 98 for 4 yrs. Svd: 3 Yrs 5 Mos 11 Das, all AMS.

b. Grade Status: A1C - 20 Dec 99
AMN - 20 Feb 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MFR, 13 DEC 01 - Inability to progress in required upgrade training.
EOC, 25 OCT 01 - Failure to pass fourth Career Development Course end-of-course examination.
EOC, 18 APR 01 - Failure to pass third Career Development Course end-of-course examination.
EOC, 12 JUL 00 - Failure to pass second Career Development Course end-of-course examination.
EOC, APR 00 - Failure to pass first Career Development Course end-of-course examination.

f. CM: None.

g. Record of SV: 20 Aug 98 - 19 Apr 00 Shaw AFB 4 (Initial)
20 Apr 00 - 19 Apr 01 Shaw AFB 4 (Annual)

(Discharged from Shaw AFB)

h. Awards & Decs: AFTR, AFOUA W/1 DEV.

i. Stmt of Sv: TMS: (3) Yrs (7) Mos (13) Das
TAMS: (3) Yrs (5) Mos (11) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Aug 02.
(Change Discharge to Honorable)

Issue 1: The reason my discharge should be changed is because I carried out over 3 years of my 4 year enlistment (sic), I worked hard, and anyone in my squadron would say the same. They fought on my side to try to keep me till my enlistment was up on Aug 19, 2002 due to they knew how hard I worked, and they knew when I did work, it was done right. When the decision (sic) was made to discharge me, they made the decision (sic) solely on paperwork. They based none of it on my performance out on the flight line. So due to that, if they would have seen how I worked, then I believe I would have been able to finish out my enlistment and received (sic) an honorable discharge. Thank you for your (sic) time.

ATCH

None.

20Nov02/ia



FD2002-0346

DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

MEMORANDUM FOR 20 FW/CC

7 JAN 2002

FROM: 20 FW/JA

SUBJECT: Legal Review of AFI 36-3208 Action, [REDACTED]

1. Basis for Action: The Commander, 78th Fighter Squadron, has recommended that [REDACTED] be separated from the service with a general discharge for failure to progress in on-the-job training (OJT), under the provisions of AFI 36-3208, chapter 5, section E, paragraph 5.26.3. The Respondent is being processed according to the notification procedure.

2. Facts: The file reflects the following as reasons for discharge:

a. On or about 16 Mar 00, the Respondent failed to pass his first Career Development Course (CDC) end-of-course (EOC) examination. The minimum passing score was 65. He scored 46, as evidenced by a CDC failure evaluation, dated April 00.

b. On or about 16 May 00, the Respondent failed to pass his second CDC EOC examination. The minimum passing score was 65. He scored 57, as evidenced by the commander's evaluation, dated 12 Jul 00. At this time, a CDC waiver was requested, and he was allowed to retest.

c. On or about 6 Apr 01, the Respondent failed to pass his third CDC EOC examination. The minimum passing score was 65. He scored 60, as evidenced by the commander's evaluation, dated 18 Apr 01.

d. On or about 16 Jun 01, the Respondent failed to pass his fourth CDC EOC examination. The minimum passing score was 65. He scored 61, as evidenced by the commander's evaluation, dated 25 Oct 01. This failure resulted in the initiation of this discharge package.

The documents listed above are attached at Tab 4.

3. In addition to the above reasons, the Respondent's file also reflects a memorandum for record (MFR), dated 13 Dec 01, that documents the Respondent's apathetic attitude toward his CDC failures and his desire to get out of the Air Force. This document also states that his failures are a result of the Respondent not trying to succeed and not trying to pass these tests. This document is attached at Tab 4a.

4. Respondent's Submission: The Respondent waived both his right to consult with counsel and his right to submit matters for your consideration. His waiver is attached at Tab 7.

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5. Errors and Irregularities: This file contains no errors or irregularities.

6. Conclusions:

a. Pending receipt of the medical examination, this file is legally sufficient to support a discharge, pursuant to AFI 36-3208, chapter 5, section E, paragraph 5.26.3.

b. The Respondent's commander has recommended that he receive a general discharge. I concur with this recommendation. According to the criteria set forth in AFI 36-3208, a general discharge is appropriate when the negative aspects of a member's service outweigh the positive. In this case, the Respondent's intentional lack of effort and lack of concern regarding his CDCs demonstrates his unwillingness to adhere to expected Air Force standards of conduct. He has been given every opportunity to succeed and to pass his CDCs. Additionally, his attitude sets a bad example for younger members of the 78th Fighter Squadron. Therefore, a general discharge is appropriate.

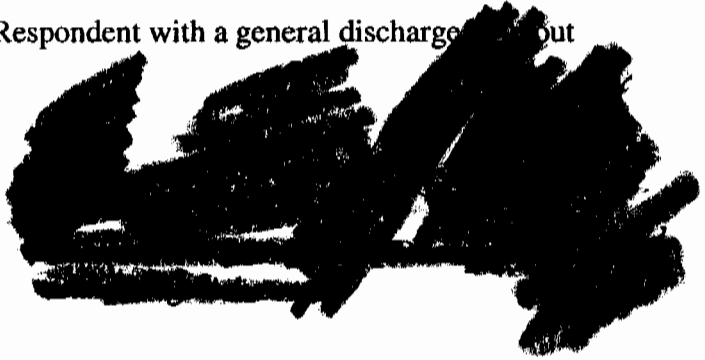
c. The commander does not recommend Probation and Rehabilitation (P&R). I concur. AFI 36-3208, paragraph 7.3 states that P&R should only be extended in those cases where an airman has demonstrated potential to serve satisfactorily. The Respondent's repeated CDC failures indicate a lack of such potential. Therefore, he is not a suitable candidate for P&R.

7. Options: As the Special Court-Martial Convening Authority in this case, you may:

a. Retain the Respondent in the Air Force; or

b. Direct the Respondent be discharged with an honorable or a general discharge, with or without P&R.

8. Recommendation: That you discharge the Respondent with a general discharge without P&R.



Attachment:
Case File



FD 2002-0346

DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACC)
SHAW AIR FORCE BASE, SOUTH CAROLINA

4 JAN 02

MEMORANDUM FOR A [REDACTED]

FROM: 78 FS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance -- failure to progress in on-the-job training (OJT). The authority for this action is AFD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, section E, paragraph 5.26.3. If my recommendation is approved, your service will be characterized as either honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On or about 16 Mar 00, you failed to pass your first Career Development Course (CDC) end-of-course examination. The minimum passing score was 65. You scored 46, as evidenced by a CDC failure evaluation, dated April 00.

b. On or about 16 May 00, you failed to pass your second CDC end-of course examination. The minimum passing score was 65. You scored 57, as evidenced by the commander's evaluation, dated 12 Jul 00. At this time, a CDC waiver was requested and you were allowed to retest.

c. On or about 6 Apr 01, you failed to pass your third Career Development Course (CDC) end-of-course examination. The minimum passing score was 65. You scored 60, as evidenced by the commander's evaluation, dated 18 Apr 01.

d. On or about 16 Jun 01, you failed to pass your fourth Career Development Course (CDC) end-of-course examination. The minimum passing score was 65. You scored 61, as evidenced by the commander's evaluation, dated 25 Oct 01. This failure resulted in the initiation of this discharge package.

The documents listed above are attached at Tab 4.

3. In addition to the above reasons, your file also reflects a memorandum for record (MFR), dated 13 Dec 01, which documents your general unconcern regarding your CDC failures and your desire to get out of the Air Force due to a civilian job you have lined-up. This document also states that your failures are a result of you not trying to succeed and you not trying to pass the test. This document is attached at Tab 4a.

4. 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 and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and will probably not be allowed to enlist in any other branch of the armed services.

5. 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 [REDACTED] Area Defense Counsel, 895-9530, on Dec 01, at hours. You may consult civilian counsel at your own expense.
JAN 02

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6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three days after receipt of the Notification Memorandum, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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

8. You must report, in uniform, to the Shaw AFB Hospital, Physical Examinations Section, between the hours of 1100 - 1300, Mon - Thur, for a medical examination.

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3028 is available for your use in the orderly room.

10. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge if the reason is not homosexual conduct. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

11. Execute the attached acknowledgement and return it to me immediately.



6 Attachments:

1. MFR, April 00
2. Commander's Evaluation, 12 Jul 00
3. Commander's Evaluation, 18 Apr 00
4. AF Form 2096, 13 Jul 01
5. Commander's Evaluation, 25 Oct 01
6. Receipt of Notification (Tab 5)