

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AIC	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 5px;">COUNSEL</th> <th style="padding: 5px;">NAME OF COUNSEL AND OR ORGANIZATION</th> </tr> <tr> <td style="width: 10%; padding: 5px;">YES</td> <td style="width: 10%; padding: 5px;">NO</td> <td style="padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">X</td> <td style="padding: 5px;"></td> </tr> </table>		COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION	YES	NO			X		ADDRESS AND OR ORGANIZATION OF COUNSEL
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION									
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 A93.09	INDEX NUMBER A49.00	EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 26 FEB 03		CASE NUMBER FD2002-0369		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 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, the right to a personal appearance with/without counsel, 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: 26 FEB 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

FD02-0369

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

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: Upgrade of discharge 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: The applicant does not contest the discharge; he states his discharge was based on the failure of a test and an isolated instance of personal stupidity, which resulted in a DUI. The records indicated the applicant received a General Discharge for Unsatisfactory Performance. In addition to failing his end of course examinations twice; he also received four Letters of Reprimand, two Letters of Counseling, three Memorandums for Record, and an off-base speeding ticket. The DRB found the seriousness of the willful misconduct offset any positive aspects of the applicant's duty performance. The Board concluded the several instances of misconduct were a significant departure from the conduct expected of all military members. The Board found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

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 A1C)

MISSING DISCHARGE DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 15 May 01 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 2 Mar 79. Enlmt Age: 18 10/12. Disch Age: 22 2/12. Educ: HS DIPL. AFQT: N/A. A-43, E-79, G-42, M-96. PAFSC: 2A333A - Tactical Aircraft Maintenance Apprentice. DAS: 17 Jul 99.

b. Prior Sv: (1) AFRes 12 Jan 98 - 27 Oct 98 (9 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 28 Oct 98 for 4 yrs. Svd: 2 Yrs 6 Mo 18 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: EOC, 13 AUG 00 - CDC end of course examination failure.
EOC, 13 NOV 00 - CDC end of course examination failure.

(Examiner's Note: The following infractions were taken from the Legal Review. Reasons for infractions are not given):

Four Letters of Reprimand.

Two Letters of Counseling.

Three Memorandums for Record.

One off-base speeding ticket.

f. CM: None.

g. Record of SV: 28 Oct 98 - 15 Apr 00 Kadena AB 2 (HAF Dir)REF
16 Apr 00 - 01 Feb 01 Kadena AB 2 (Cmdr Dir)REF

(Discharged from Whiteman AFB)

h. Awards & Decs: AFOUA, AFEM, AFOSLTR, AFTR.

i. Stmt of Sv: TMS: (3) Yrs (4) Mos (4) Das
TAMS: (2) Yrs (6) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 25 Aug 02.
(Change Discharge to Honorable)

FD2002-0369

Issue 1: My undesired discharge was based on the failure of a test and an isolated instance of personal stupidity which resulted in a DUI.

ATCH
None.

04DEC02/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

MEMORANDUM FOR 18 WG/CC

FROM: 18 WG/JA

SUBJECT: Legal Review - Administrative Discharge - [REDACTED]
[REDACTED], 44 FS (PACAF), Kadena AB, Japan

1. BASIS: [REDACTED], 44 FS/CC, initiated this administrative discharge action against [REDACTED] for Unsatisfactory Performance - Failure to Progress in On-the-Job Training (OJT). The authority for this action is AFPD 36-32, AFI 36-3208, paragraph 5.26.3, and AFI 36-2201, Attachment 3. The initiating commander has recommended an under honorable conditions (general) discharge without probation and rehabilitation.

2. GOVERNMENT'S EVIDENCE:

a. On or about 13 Aug 00, A1C [REDACTED] received notification that he failed his Career Development Course (CDC) examination for the first time with a score of 60. The minimum passing score is 65. As a result, [REDACTED] conducted an interview with him, his supervisor, and training monitor to address his strengths, study habits, and preparation for the CDC exam (Tab 1-1).

b. On or about 13 Nov 00, A1C [REDACTED] received notification that he failed his Career Development Course (CDC) examination for the second time with a score of 59. The minimum passing score is 65. As a result, [REDACTED] conducted an interview with him, his supervisor, and training monitor to address his strengths, study habits, and preparation for the CDC exam. [REDACTED] also placed him in training code "T" for a three-month period. At the end of the three-month training period, he determined it was in the best interest of [REDACTED], the unit, and the Air Force to pursue administrative discharge. (Tab 1-2).

3. RESPONDENT'S EVIDENCE:

a. The respondent, a 22-year old airman, originally enlisted 28 Oct 98. His AQE scores are A-43, E-79, G-42, and M-96. This airman has received two (2) enlisted performance reports (EPR). The latest EPR, which closed out on 01 Feb 01, rated him an overall 2. The airman is entitled to wear the medals, awards, and ribbons outlined in the commander's recommendation.

b. The respondent consulted military defense counsel and has elected to submit a statement on his behalf. In his statement, [REDACTED] requested that his CDC requirements be waived or that he be crossed-trained into another career field. He expressed his desire to remain in the Air Force; however, if he were to be discharged, he requested the characterization be honorable, instead of under honorable conditions (general) (Tab 3).

4. ERRORS OR IRREGULARITIES: None.

5. DISCUSSION:

a. Under AFI 36-2201, Attachment 9, a commander must choose between four available options when an airman fails his Career Development Course (CDC) examination on two consecutive occasions. First, the unit commander may keep the airman in training, certify career knowledge, and upon successful completion of training, request a waiver of the CDC requirement. Second, the unit commander may

withdraw the airman from training, consider him for future reentry into upgrade training (UGT), and request a waiver of the CDC requirement. Third, the unit commander may withdraw the airman from training, request the withdrawal of his Air Force specialty code (AFSC), and either recommend retraining or return him to a previously-awarded AFSC. Finally, the unit commander may withdraw the airman from training and recommend him involuntary separation for failure to progress in on-the-job-training (OJT) pursuant to AFI 36-3208, paragraph 5.26.3.

b. As noted in [redacted] recommendation, he reviewed [redacted] training records, met with his supervisor and training monitor, and personally met with [redacted] concluded that [redacted] lacks the desire and motivation required for retention, continued training, or cross training and that he lacks the basic skills necessary for his current career field or any other Air Force specialty. For this reason, [redacted] who is in the best position to evaluate [redacted] initiated this involuntary discharge action as the only viable option.

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✓

c. [redacted] failed to progress in OJT by failing his CDC examination on two consecutive occasions. Both before and after his first examination, [redacted] squadron entered him in a study program and monitored his progress. They addressed his concerns, offered advice, and allowed him on-duty time to study. His failure to progress satisfies the requirements of AFI 36-3208 and justifies discharge.

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d. Character of service for airmen discharged for failing to progress in OJT may be honorable or under honorable conditions (general). According to AFI 36-3208, paragraph 1.18.1, an airman's service may be characterized as honorable if the quality of his or her service has generally met Air Force standards of acceptable conduct and performance of duty. [redacted] records contain four (4) Letters of Reprimand, two (2) Letters of Counseling, one (1) Record of Individual Counseling, three (3) Memoranda for Record, one (1) off-base speeding ticket, and the establishment of an Unfavorable Information File. Therefore characterization of his service as under honorable conditions (general), as recommended by [redacted] is appropriate.

e. I concur with [redacted] recommendation that probation and rehabilitation is not appropriate for this airman. The squadron gave [redacted] ample opportunity to successfully progress in OJT. He was offered assistance and study sessions to prepare for his CDC examinations, and yet he failed the examination on two occasions. Accordingly, there is no reason to believe that further remedial efforts would be successful.

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6. OPTIONS: As special court-martial convening authority, you may:

- a. Retain [redacted] if you consider discharge unwarranted;
- b. Direct an honorable discharge with or without probation and rehabilitation;
- c. Direct an under honorable conditions (general) discharge with or without probation and rehabilitation.

7. RECOMMENDATION:

I recommend that you direct an under honorable conditions (general) discharge without probation and rehabilitation by signing the attached memorandum.

[redacted signature]
[redacted]
USAF
Assistant Staff Judge Advocate, 18th Wing

Attachment:
Case File

1st Ind, 18 WG/JA

MEMORANDUM FOR 18 WG/CC

I concur/~~nonconcur~~ with this recommendation.

