

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AMN	AFSN/SSAN [REDACTED]
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TYPE	PERSONAL APPEARANCE	X RECORD REVIEW									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">COUNSEL</td> <td style="width: 10%;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td style="width: 80%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td>YES</td> <td>NO</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> <td></td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES	NO			X		
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YES	NO										
	X										

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
				X*	
				X*	
				X*	
				X*	
				X*	

ISSUES A94.06	INDEX NUMBER A49.00	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	
HEARING DATE 16 MAY 03	CASE NUMBER FD2002-0396			

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.

*** Change the Reason to Secretarial Authority.**

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 16 MAY 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

FD02-0396

GENERAL: The applicant appeals for upgrade of the reason for the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB) without council at Andrews AFB, MD, on 16 May 2003.

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

FINDINGS: The reason for discharge is changed to Secretarial Authority.

ISSUE: The applicant received an Honorable discharge and the Reason was Unsatisfactory Performance. Applicant contends the Reason for discharge did not accurately represent the basis for separation. After a thorough and complete consideration of the information submitted by the applicant, and information contained in the record, the Board concluded there was sufficient mitigation and extenuation to substantiate a change in the Reason for discharge, but did not change applicant's reenlistment code. The DRB noticed that the applicant's Neuropsychological evaluation diagnosed him with a learning disorder. This, coupled with the applicant's reading vocabulary, reading comprehension and AFQT scores led the DRB to conclude that he should have never been placed in the electrical systems career field. The DRB did not condone the minor misconduct the applicant also had; however, they found that the applicant's Reason for discharge should be changed to Secretarial Authority.

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.

However, in view of the foregoing findings, the board further concludes that the overall Reason for discharge is more accurately reflected as Secretarial Authority. The applicant's Reason for discharge should be changed to Secretarial Authority, SPD Code JFF, under the provisions of Title 10, USC 1553.

Attachment:

Examiner's Brief

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

[REDACTED]
[REDACTED]
(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 21 Feb 02 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Performance). Appeals to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 29 May 82. Enlmt Age: 18 7/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-33, E-39, G-25, M-30. PAFSC: 3E011 - Electrical Systems Helper. DAS: 4 Jun 01.

b. Prior Sv: (1) AFRes 23 Jan 01 - 18 Apr 01 (2 months 27 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Apr 01 for 4 yrs. Svd: 0 Yrs 10 Mo 3 Das, all AMS.

b. Grade Status: Amn - 19 Oct 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AETC 173, 26 OCT 01 - Failing block 4 test.
AETC 173, 10 AUG 01 - Failing to maintain dress & appearance standards and for sleeping in class.
AETC 173, 10 AUG 01 - Negative motivation and disrespectful to an instructor.
AETC 173, 08 AUG 01 - Failing block 3 test.
AETC 173, 03 JUL 01 - Failing block 1c test.
LOC, 29 JUN 01 - Failing Objective 30a, Series and Parallel circuits.
LOC, 22 JUN 01 - Failing Objectives 17a & 19a.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (1) Mos (0) Das
TAMS: (0) Yrs (10) Mos (3) Das

FD2002-0396

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Sep 02
(Change the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Basic Military Training Standard Performance Summary.

19DEC02/ia

Continuation:

DD For 293

8. Issues

The issue that I want to address is the narrative reason for my discharge. In the narrative it is expressed that I received my discharge based on unsatisfactory performance. I do not believe that my performance while in the Air Force was unsatisfactory.

I entered the Air Force in April of 2001 and successfully completed basic training. From there I was sent to Sheppard Air Force Base, Texas to attend Tech School.

While Attending Tech school I was having problems passing the tests that were given at the end of each block of instruction. This is because I have a great deal of difficulty taking tests. I know the material but just have a problem testing.

Having problems with testing caused me to seek help with depression. The pressure of failing tests and having to retest really caused me to slip into depression. I did very well on the field exercises and hands-on type testing because I did not have the pressure of taking a written test.

I admittedly have a slight learning disability that was recognized while in school before joining the Air Force. As a matter of record, I did rather poorly on the Air Force entrance examination and required a waiver to enter the Air Force.

During my counseling sessions with instructors at Tech school several recommended that I be reclassified into a different career field. I was even placed on "CQ" for several months for the purpose of being reclassified but this never happened. During my mental health counseling session, with a Major, whose name I do not remember, I was advised that reclassification was a viable option. Again no action was taken.

Being very new to the military I often did not understand what was going on nor what questions to ask. This led to my decision to take a discharge. During one of my mental health counseling sessions I was advised by the Major that it would be a good idea to take a discharge, wait a year or so and try the Air Force again.

During my short time in the Air Force I received very good ratings on military bearing and attitude as evidenced by the attached rating sheet. I do not feel that my performance was unsatisfactory and the narrative as to the purpose of my discharge should be corrected to reflect satisfactory performance.

Yes, I do have difficulty taking tests but that should not be the sole basis of say that my performance in the Air Force was "unsatisfactory". Please consider a change to the narrative reason for my discharge and have it reflect that my "overall" performance was satisfactory. Your assistance in this matter will be greatly appreciated.



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0396

11 Feb 02

MEMORANDUM FOR 782 TRG/CC

FROM: 82 TRW/JAC

SUBJECT: Legal Review, Recommendation for Discharge – Amn [REDACTED]

1. We have 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 Amn [REDACTED]'s discharge from the Air Force. We concur with the 366 TRS/CCQ that Amn [REDACTED] should be discharged with an honorable discharge in accordance with AFI 36-3208, paragraph 5.26.1 (unsatisfactory performance), without further opportunities for probation and rehabilitation.

2. Basis for Action. On 6 Feb 02, the 366 TRS/CCQ notified Amn [REDACTED] that he was recommending that Amn [REDACTED] be discharged from the service due to his unsatisfactory performance.

3. Evidence for the Commander. The preponderance of the evidence in the case file supporting the commander's recommendation is that [REDACTED] failed to make satisfactory progress in a required training program. Specifically, he failed block 1-C with a score of 60%, block 3 with a score of 62%, block 4 with a score of 68%. The minimum passing score for these tests is 70%. As a result, he was disenrolled from his technical training course on 9 Jan 02. Prior to disenrollment he was counseled concerning his academic failure. Efforts to improve his performance, have met with negative results.

4. Additional Information. The respondent is 19 years old, began his present enlistment on 19 Apr 01, and was assigned to his unit 4 Jun 01. His ASVAB scores are as follows: M - 30, A - 33, G - 25, and E - 39. The respondent is entitled to wear the Air Force Training Ribbon. He waived his right to consult with 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.

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PD2002-0396

6. We note no administrative errors of legal significance, and we concur with the commander's recommendation that an honorable discharge is appropriate.

7. If you have any questions on this matter, please contact Capt. at ext 6-7193.

 USAF
Deputy Staff Judge Advocate

Attachment:
Case File

FD 2002-0392

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND



06 FEB 2002

MEMORANDUM FOR [REDACTED]

FROM: 366 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.26.1. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as honorable.
2. My reason for this action is your failure to make satisfactory progress in a required training program. Specifically, you failed block 1-C with a score of 60%, block 3 with a score of 62%, block 4 with a score of 68%. The minimum passing score for these tests is 70%. As a result, you were disenrolled from your technical training course on 9 Jan 02. Prior to disenrollment you were counseled concerning your academic failure. Efforts to improve your performance, have met with negative results. 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 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 be denied enlistment in any component of the armed forces.
3. 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, at Bldg 1638, on 7 Feb 02, at 1000. You may consult civilian counsel at your own expense.
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 11 Feb 02 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
5. 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.
6. You have been scheduled for a physical examination on 16 Jan 02 at 0700.
7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available in the 366th Training Squadron, Military Training Flight, Personnel Office for your use.

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



[Redacted Name], 1Lt, USAF
Squadron Section Commander, 366 TRS

Attachments:

1. AETC Form 125A, 09 Jan 02
2. Student Training Report, 01038
3. Student Training Record (366 TRS/TTE), Start Date 12 Jun 01
4. AETC Form 173, 26 Oct 01
5. AETC Form 173, 10 Aug 01
6. AETC Form 173, 10 Aug 01
7. AETC Form 173, 08 Aug 01
8. Air Force Reading Abilities Test, 09 Jul 01
9. AETC Form 173, 3 Jul 01
10. 82 MDOS/SGOHO Memo, 20 Nov 01
11. LOC, 29 Jun 01
12. LOC, 22 Jun 01
13. LAFB Form 205, 28 May 01
14. Airman's Receipt of Notification Memorandum 