

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE HON	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	X	

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

ISSUES A94.53, A94.05	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	

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.

SIGNATURE OF RE... [REDACTED]	SIGNATURE... [REDACTED]
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INDORSEMENT	DATE: 03-03-25
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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

FD2002-0403

GENERAL: The applicant appeals to change the reason and authority for the discharge and to change his reenlistment code.

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: Change of reason and authority for the discharge, and the reenlistment code, are denied.

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

Issue. Applicant received an honorable discharge based on unsatisfactory performance after twice failing the Block I exam and then failing his Block II exam for his technical training school class in Aircraft Fundamentals. The Board noted that applicant failed his tests with scores of 46, 68, and 62, and was counseled on what was expected of him during training. Member had previously been eliminated from the pararescue technical training course after 25 days of a 10-week program. During his aerospace maintenance technical school, he was described as a not motivated to stay in the Air Force and his ability to function in the military significantly impaired. He was furthermore not recommended for retention or retraining. The Board also notes now that member also had an Article 15 that included six misconduct specifications, to include an underage-drinking incident. The Board further noted these were not used as a basis for the discharge action, nor were they referred to anywhere in the discharge file. Applicant states had he known he could not come back into the military after his discharge, he would not have "left." The Board could not find any inequity, impropriety, extenuation or mitigation to warrant a change in his discharge. The Board notes that AFI 36-3208, Administrative Separation of Airmen, provides for an honorable discharge for unsatisfactory performance based on failure to progress in on-the-job training; member met this criteria.

The applicant cited his desire to return to military service. While the Board commends applicant on this desire, and is sympathetic to the impact a discharge for unsatisfactory performance has on his reenlistment code, this is not a matter of equity or propriety that warrants an upgrade.

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 to change the reason for the 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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 17 Mar 00 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Duty Performance). Appeals to Change Reentry Code, and Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 8 Apr 81. Enlmt Age: 18 2/12. Disch Age: 18 11/12. Educ: HS DIPL. AFQT: N/A. A-67, E-55, G-66, M-58. PAFSC: 2A511E - Aerospace Maintenance Helper. DAS: 2 Dec 99.

b. Prior Sv: (1) AFRes 15 Jun 99 - 17 Aug 99 (2 Mos 3 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 18 Aug 99 for 4 yrs. Svd: 0 Yrs 6 Mos 28 Das, all AMS.

b. Grade Status: None

c. Time Lost: None

d. Art 15's: (1) 3 Mar 00, Sheppard AFB, TX - Article 92. You did, on or about 12 Feb 00, violate a lawful general instruction, to wit: paragraph 2.1.8., Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 97, by wrongfully entering a local area hotel/motel. You did, on or about 14 Feb 00, violate a lawful general instruction, to wit: paragraph 2.1.9., Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 97, by wrongfully entering the dormitory room living quarters of a member of the opposite sex. You did, on or about 12 Feb 00 and on or about 14 Feb 00, violate a lawful general instruction, to wit: paragraph 2.1.11., Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 97, by wrongfully consuming alcoholic beverages while under the legal drinking age of 21. You did, on or about 12 Feb 00 and on or about 14 Feb 00, violate a lawful general instruction, to wit: paragraph 5.2.1., Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 97, by wrongfully failing to remain on Sheppard Air Force Base. You did, on or about 14 Feb 00, violate a lawful general instruction, to wit: paragraph 5.2.3., Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 97, by wrongfully entering a Privately Owned Vehicle (POV). You did, on or about 14 Feb 00, violate a lawful general instruction, to wit: paragraph 5.2.5,

Sheppard Air Force Base Instruction 36-2902, dated 15 Oct 97, by wrongfully failing to return to and remain in your assigned dormitory from 2100 to 0400. Forfeiture of \$400.00 pay per month for 2 months, restriction for 30 days, and 30 days extra duty. (No appeal) (No mitigation)

- e. Additional: AETC FORM 125A, 4 FEB 00 - Course disenrollment for academic deficiency.
 - AETC FM 173, 02 FEB 00 - Failed test.
 - AETC FM 173, 24 JAN 00 - Failed test.
 - AETC FM 173, 10 JAN 00 - Failed test.
 - AETC FM 125A, 17 NOV 99 - Course disenrollment for unsuitability.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (9) Mos (3) Das
TAMS: (0) Yrs (6) Mos (28) Das

- 4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Aug 02.
(Change Reentry Code, and Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF

ATCH

- 1. Applicant's Issues.
- 2. DD Form 214.
- 3. AF Form 3008.

19Dec02/cr



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

14 Mar 00

MEMORANDUM FOR 882 TRG/CC

FROM: 82 TRW/JA

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

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 AB: [REDACTED]'s discharge from the Air Force. We concur with the 362 TRS/CCQ that AB: [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 9 Mar 00, the 362 TRS/CCQ notified AB: [REDACTED] that she was recommending that AB: [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 squadron section commander's recommendation is that AB: [REDACTED] twice failed the Block I exam, Aircraft Fundamentals, with scores of 46% and 68% , and failed Block II with a score of 62%; minimum passing is 70%. As a result of these failures, he was disenrolled from the Aerospace Maintenance Apprentice (B-1B) course on 4 Feb 00. Prior to disenrollment, he was counseled concerning his academic failures and received 5 hours of Special Individual Assistance (SIA). Efforts to improve his performance were met with negative results.

4. Additional Information. The respondent is 18 years old and began his present enlistment on 18 Aug 99. The respondent was assigned to his unit on 2 Dec 99. His academic test scores are average. The respondent is entitled to wear the Air Force Training Ribbon. He has 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 AB: [REDACTED]'s retention;
- b. Suspend an honorable discharge and recommend Probation and Rehabilitation;

c. Suspend an under honorable conditions (general) discharge and recommend Probation and Rehabilitation;

d. Direct his discharge with an honorable discharge;

e. Direct his discharge with an under honorable conditions (general) discharge.

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, please contact Capt: at ext 6-7183.

Deputy Staff Judge Advocate

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD2002-0403

9 Mar 2000

MEMORANDUM FOR AB: [REDACTED], FR: [REDACTED], 362 TRS

PROM: 362 TRS/CCQ
527 G Ave
Sheppard AFB TX 76311-2835

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 I exam, Aircraft Fundamentals twice with scores of 46% and 68% respectively, and Block II with a scores of 62% -- minimum passing is 70%. As a result of these failures, you were disenrolled from your technical training on 4 Feb 2000. Prior to disenrollment you were counseled concerning your academic failures. 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 Special Court Martial jurisdiction or 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 Capt: [REDACTED], Area Defense Counsel, at Bldg 1638, room 110, on 10 Mar 2000 at 1530 hours. 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 14 Mar 2000, 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 were scheduled for a physical examination on 9 Feb 2000.
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 362 TRS/Commanders Support Staff office.

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



Squadron Section Commander
362d Training Squadron

Attachments:

1. AETC Form 125A, 4 Feb 2000
2. Student Training Report, CL NR 00A10
3. AETC Form 173, 2 Feb 2000
4. AETC Form 173, 24 Jan 2000
5. AETC Form 173, 10 Jan 2000
6. Statement, AB: [redacted], undated
7. AF Form 3070, 3 Mar 00
8. AF Form 1168, AB: [redacted], 17 Feb 00
9. AF Form 1168, AB: [redacted], 14 Feb 00
10. AETC Form 125A, 17 Nov 99
11. Student Training Report, CL NR 00007
12. 362 TRS/MTF Memo, undated
13. Airman's Receipt of Notification Memorandum *Wcl*

cc:

82 MSS/DPMARS
362 TRS/CSS (File)
Individual

To whom it may concern:

In regards to question number nine. I Believe the record to be in error or unjust in the following particulars. I was given legal counsel with the option to be honorably discharged with a SPNIRE code that would allow me to re-enlist into the Air Force/Air Force Reserve.

I would have not left the Air Force if I knew I would not be able to come back. That was one of the requirements I gave to my lawyer when I asked for a discharge. If I knew I would receive a separation code with no re-enlistment I would have never left. My recruiter informed me I would have the option to leave if I was to fail my voluntary Para rescue Career. When I failed in my final week of the Para rescue Indoc Course I thought I would be able to leave, but instead they told me I was to get another job with the needs of the Air Force. They forced me to become a B-1 bomber mechanic in South Dakota. I joined the Air Force to be a soldier not a mechanic, and I do not see how you can make a man motivated to be something that he is not. I was told I could not re-enlist and that I will be a mechanic for three years before I can cross-train back to the Para rescue Program. After all of this I had to get a lawyer. When I met with her, the only requirement I had for myself with being discharged, was the option for re-enlistment. She told me that I would not have to become a mechanic, and that there was an alternative. She told me that she could give me an honorable discharge and I would only have to wait a full year before I could go back and re-enlist. This was the faster option to re-enlist for Para rescue, so I took it thinking that I would only have to wait a year and then I could have another chance at my dream. When I went back to the recruiting center a year after discharge they took one look at my separation code, and told me that I would not be able to re-enlist with the code I was given.

It has been my dream to be a Para rescueman and I want to go back. Knowing what I know now, I would not fail. I have also thought about if I were to fail again, and I would willingly go along with the needs of the Air Force and find another job. I was discharged on March seventeenth of two thousand. For the past two years I have made sure that this is definitely what I want for myself, and I will sacrifice anything for my career. I have realized that the military is something special to be apart of and makes me a better man. Watching my dad as an Air Force Reserve and listening to stories about his father in the marines, I realize the military is what I want for my future family and myself. I ask that you would please consider changing my separation code and give me another chance to serve my country.

Sincerely,

[Redacted Signature]