

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: 80%;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td style="width: 10%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td>YES</td> <td></td> <td></td> </tr> <tr> <td>NO</td> <td>X</td> <td></td> </tr> </table>		COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	YES			NO	X		
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL									
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 A95.00	INDEX NUMBER A49.00, A67.10	EXHIBITS SUBMITTED TO THE BOARD		
		1	ORDER APPOINTING THE BOARD	
		2	APPLICATION FOR REVIEW OF DISCHARGE	
		3	LETTER OF NOTIFICATION	
HEARING DATE 10 APR 03	CASE NUMBER FD2002-0453	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 RECORDER	SIGNATURE OF BOARD PRESIDENT
[REDACTED]	[REDACTED]

INDORSEMENT	DATE: 10 APR 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

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 the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was able to identify none that would justify a change of discharge.

ISSUE: The applicant submitted no issues and requested that the review be completed based on the available service record. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received three Letters of Reprimand for Violation of the Phase Program twice and lying to a commissioned officer and violating a lawful general order. In addition, he received a Letter of Counseling and nine AETC Form 173's for failing his block test six times, failed to render proper respect to an instructor, and for being late for PC. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive behavior. The Board concluded the disciplinary infractions 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.

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 AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 8 AUG 02 UP AFI 36-3208, para 5.26.1 & 5.49 (Unsatisfactory Performance and Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 9 Feb 83. Enlmt Age: 18 4/12. Disch Age: 19 5/12. Educ: HS DIPL. AFQT: N/A. A-48, E-44, G-50, M-45. PAFSC: 2A313B - Tactical Aircraft Maintenance Helper. DAS: 21 Jan 02.

b. Prior Sv: (1) AFRes 28 Jun 01 - 3 Dec 01 (5 months 6 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Dec 01 for 4 yrs. Svd: 0 Yrs 8 Mos 5 Das, all AMS.

b. Grade Status: AMN - 4 Jun 02

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 10 JUL 02 - Violate a lawful general order.
LOR, 08 JUL 02 - Violation of Phase Program and lying to a commissioned officer.
AETC 173, 17 JUN 02 - Failure of F-16 MRT Block 3-A.
AETC 173, 12 JUN 02 - Failure of objective 3-1o (Eng Trailers).
AETC 173, 10 JUN 02 - Failure of objective 3-1e (ESS Tester).
AETC 341, 30 MAY 02 - Failed dorm room inspection.
AETC 341, 13 MAY 02 - Late for PC.
AETC 173, 08 MAY 02 - Failure of Block 1b test.
LOC, 25 APR 02 - Failed dorm room inspection.
LOR, 24 APR 02 - Violation of Phase Program.
AETC 173, 08 APR 02 - Failure of Block 3a test.
AETC 173, 05 APR 02 - Failure to render proper respect to instructor.
AETC 173, 05 MAR 02 - Failed Block 1b test.

f. CM: None.

g. Record of SV: None.

(Discharged from Sheppard AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yr (1) Mo (12) Das
TAMS: (0) Yrs (8) Mos (5) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 21 Oct 02
(Change Discharge to Honorable)

NO ISSUES SUBMITTED.

ATCH

1. DD Form 149.

28JAN03/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2002-0453

23 JUL 2002

MEMORANDUM FOR AMN [REDACTED], 362 TRS

FROM: 362 TRS/CCQ

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance and minor disciplinary infractions. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph(s) 5.26.1 and 5.49. 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 under honorable conditions (general).

2. My reasons for this action are:

a. You did fail to perform your assigned duties properly. Specifically, you failed to make satisfactory progress in a required training program, as it was your duty to do. You fail block exam 1-B with a score of 58% and block exams 3-A (twice) with scores of 68% and 60% -- minimum passing is 70%. As a result, you were disenrolled from your technical training course on 23 Jul 02. Prior to disenrollment you were counseled concerning your academic failure and received 25.49 hours Special Individualized Assistance (SIA) and you were enrolled in the Student Enrichment Program. Efforts to improve your performance have met with negative results.

b. You did, at or near Sheppard AFB, TX, on or about 10 Jul 02, fail to go at the time prescribed to your appointed place of duty, to wit: Details. For this misconduct you received a Letter of Reprimand (LOR) on 10 Jul 02

c. You, who knew or should have known of your duties at or near Sheppard AFB TX, between on or about 28 Jun 02 and on or about 7 Jul 02, were derelict in the performance of those duties in that you failed to adhere to call to quarters, as it was your duty to do. For this misconduct and subparagraph "d" below, you received a LOR on 8 Jul 02

d. You did, at or near Sheppard AFB TX, on or about 7 Jul 02, lie to a commissioned officer, by stating that you stayed in your room on 3 Jul 02, when you knew the answer to be false.

e. You, who knew or should have known of your duties at or near Sheppard AFB TX, on or about 24 Apr 02, were derelict in the performance of those duties in that you failed to keep your room in inspection order at all times, as it was your duty to do. For this misconduct you received a Letter of Counseling (LOC) on 25 Apr 02.

f. You, who knew or should have known of your duties at or near Sheppard AFB TX, between on or about 13 Apr 02 and on or about 17 Apr 02, were derelict in the performance of those duties in that you failed to adhere to daily call to quarters, as it was your duty to do. For this misconduct you received a LOR on 24 Apr 02.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM 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. Any special pay, bonus, or education assistance funds may be subject to recoupment.

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  Building 1638 on

24 Jul 02 at 1430. You may consult civilian counsel at your own expense.

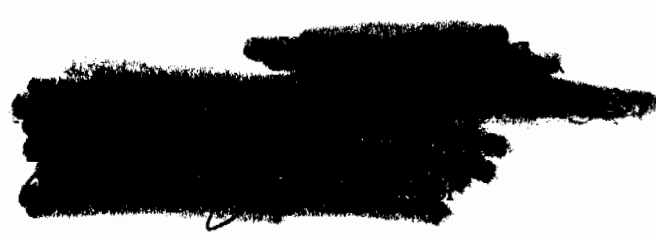
4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 26 Jul 02 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

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 medical examination. You must report to the 82d Medical Group, Bldg 1200, Physical Examinations, at 1530 on 25 Jul 02

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.



Attachments: (listed on next page)

Attachments:

1. AETC Form 125A, 23 Jul 02
2. Student Training Report, 02102
3. AETC Form 173, 17 Jun 02
4. AETC Form 173, 12 Jun 02
5. AETC Form 173, 10 Jun 02
6. AETC Form 173, 8 May 02
7. AETC Form 173, 8 Apr 02
8. AETC Form 173, 5 Apr 02
9. AETC Form 173, 5 Mar 02
10. LOR, 10 Jul 02
11. LOR, 8 Jul 02
12. AF Form 1168, A1C [REDACTED] 8 Jul 02
13. LOC, 25 Apr 02
14. LOR, 24 Apr 02
15. Response to LOR, 25 Apr 02
16. AF Form 1168, AB [REDACTED] 18 Apr 02
17. AETC Form 341, 13 May 02 and 30 May 02
18. LAFB Form 205, 7 Jan 02
19. Airman's Receipt of Notification Memorandum *wd*