

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>CAPT</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE <b>HON</b>	PERSONAL APPEARANCE	<b>X RECORD REVIEW</b>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 2px;">COUNSEL</th> </tr> <tr> <td style="width: 50%; padding: 2px;">YES</td> <td style="width: 50%; padding: 2px;">NO</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><b>X</b></td> <td style="padding: 2px;"></td> </tr> </table>	COUNSEL		YES	NO	<b>X</b>		NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
COUNSEL								
YES	NO							
<b>X</b>								

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>
<b>[REDACTED]</b>					<b>X</b>

ISSUES <b>A94.55, A01.55</b>	INDEX NUMBER <b>A13.00</b>	EXHIBITS SUBMITTED TO THE BOARD		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
HEARING DATE <b>03-05-21</b>	CASE NUMBER <b>FD2003-00076</b>	<b>4</b>	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 RECORDING OFFICER <b>[REDACTED]</b>	SIGNATURE OF BOARD PRESIDENT <b>[REDACTED]</b>
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INDORSEMENT	DATE: <b>03-05-21</b>
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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 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002
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**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2003-00076

**GENERAL:** The applicant appeals to change the reason and authority for the discharge.

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 discharge 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 discharge.

**ISSUES:** Applicant received an honorable separation when he resigned in lieu of undergoing further administrative discharge proceedings for failure in the weight management program (WMP). Applicant contends the narrative reason for the discharge reflected on his DD Form 214, Certificate of Release or Discharge from Active Duty, in block 28 is misleading, incorrect, and legally insufficient. Applicant believes that block should reflect that he resigned his commission. The Board notes that block 23, "type of separation," properly reflects that member resigned. And although member resigned to avoid further administrative discharge processing, the basis for the discharge remains the same as that for which he was recommended for administrative separation, namely weight control failure. The record clearly reflects that member had six periods of unsatisfactory performance under the WMP and was subject to discharge after four such unsatisfactory periods. Member's maximum allowable weight was 221 pounds, and his maximum allowable Body Fat Measurement (BFM) was 20 percent. When he entered the program in April 1993 he weighed 258.5 pounds and was 33.6 percent BFM. At the time of his sixth unsatisfactory period in November 1996, he weighed 245 pounds and was 29 percent BFM.

The applicant noted he desires to serve in the Army Judge Advocate General Corps and cites the Military Entrance Processing Station view that his discharge for weight control failure constitutes a medical disqualification. Although applicant believes this is waivable, he notes it has delayed and complicated the process. While the Board commends applicant on his desire to return to military service, and is sympathetic to the impact the reason for discharge may have on his reentry status, this is not a matter of equity or propriety that warrants a change.

**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 or authority for 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 CAPT) (HGH CAPT)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 7 Oct 97 UP AFI 36-3207, para 2,21 (Resignation Instead of Undergoing Administrative Discharge Proceedings - Weight Management Failure). Appeals for a Change in Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 13 Mar 67. Enlmt Age: 21 6/12. Disch Age: 30 6/12. Educ: BACHELOR DEGREE. AFQT: N/A. A-N/A, E-N/A, G-N/A, M-N/A. PAFSC: 21A3 - Aircraft Maintenance and Munitions. DAS: 23 Jun 91.

b. Prior Sv: (1) AFRes 28 Sep 88 - 8 Jun 90 (1 yr 8 mos 11 das) (Inactive).

(2) Appointed to 2Lt USAFR 1 Jun 90. Svd: 1 yr 0 mos 21 days (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Ordered to EAD as 2Lt 23 Jun 91. Svd: 6 Yrs 3 Mo 15 Das, all AMS.

b. Grade Status: Capt - 16 Dec 94  
1Lt - 16 Dec 92

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 26 NOV 96 - Failure in Weight Management Program.  
LOC, 16 OCT 96 - Unsatisfactory dress and appearance.  
LOR, 07 OCT 96 - Failure in Weight Management Program.  
LOC, 01 AUG 96 - Failure to perform a midterm performance feedback.  
LOR, 12 JUL 96 - Failure in Weight Management Program.  
LOR, 05 OCT 94 - Failure in Weight Management Program.  
LOR, 16 MAY 94 - Failure in Weight Management Program.  
LOC, 30 DEC 93 - Failure in Weight Management Program.

f. CM: None.

g. Record of SV: 23 Jun 91 - 28 Aug 92 Dover AFB YE (Annual)  
29 Aug 92 - 31 Mar 93 Dover AFB YE (CRO)  
01 Apr 93 - 31 Mar 94 Dover AFB YE (Annual)  
01 Apr 94 - 31 Mar 95 Dover AFB YE (Annual)  
01 Apr 95 - 06 Mar 96 Sheppard AFB YE (CRO)

07 Mar 96 - 06 Mar 97 Sheppard AFB NE (Annual)REF

FD2003-00076

(Discharged from Sheppard AFB)

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

i. Stmt of Sv: TMS: (9) Yrs (0) Mos (10) Das  
TAMS: (6) Yrs (3) Mos (15) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Feb 03.  
(Change Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues with Attachments.

2APR03/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

2 JAN 1997

MEMORANDUM FOR [REDACTED]

FROM: 82 TRW/CC

SUBJECT: Notification of Action Initiated Under AFI 36-3206, Chapter 2, paragraph 2.3.8

1. I am initiating action against you under AFI 36-3206, Chapter 2, paragraph 2.3.8.
2. I am taking this action because of your failure to make satisfactory progress in the Weight Management Program (WMP) as outlined in AFI 40-502. Specifically:

- a. In Apr 93, you were entered into Phase I of the WMP with a maximum allowable weight of 221 pounds, and a maximum allowable body fat percentage of 20 percent. Your weight was 258.5 pounds and your body fat percentage was determined to be 33.6 percent.

- b. On 29 Dec 93, you weighed 236 pounds and your body fat percentage was determined to be 26 percent. This was a zero weight loss and zero percent body fat change from your previous official monthly weight evaluation on 23 Nov 93, constituting unsatisfactory progress on the WMP, for which you received a letter of counseling.

- c. On 16 May 94, you weighed 250 pounds and your body fat percentage was determined to be 28 percent. This was a one pound weight gain and two percent body fat gain from your previous official monthly weight evaluation on 13 Apr 94, constituting unsatisfactory progress on the WMP, for which you received a letter of reprimand.

- d. On 13 Sep 94, you weighed 251 pounds and your body fat percentage was determined to be 27 percent. This was a seven pound weight gain and one percent body fat gain from your previous official monthly weight evaluation on 12 Aug 94, constituting unsatisfactory progress on the WMP, for which you received a letter of reprimand.

- e. On 29 Nov 95, you were entered into Phase II of the WMP, which required you to maintain body fat percentage at or below 20 percent. On 26 Jun 96, you weighed 243 pounds and your body fat percentage was determined to be 25 percent. This was an eleven pound weight loss and five percent body fat gain from your previous official monthly weight evaluation on 15 May 96, constituting unsatisfactory progress in Phase II of the WMP, for which you received a letter of reprimand.

f. On 30 Jul 96, you weighed 242 pounds and your body fat percentage was determined to be 29 percent. This was a one pound weight loss and four percent body fat gain from your previous official monthly weight evaluation on 26 Jun 96, constituting unsatisfactory progress on the WMP. On 14 Aug 96, you acknowledged your weight and body fat percentage determined on 30 Jul 96, as evidenced by your signature on AF Form 393, Individual Record of Weight Management, at attachment 1.

g. On 7 Oct 96, you weighed 240 pounds and your body fat percentage was determined to be 29 percent. This was a two pound weight loss and two percent body fat gain from your previous official monthly weight evaluation on 5 Sep 96, constituting unsatisfactory progress on the WMP, for which you received a letter of reprimand.

h. On 20 Nov 96, you weighed 245 pounds and your body fat percentage was determined to be 29 percent. This was an five pound weight gain and zero percent body fat change from your previous official monthly weight evaluation on 7 Oct 96, constituting unsatisfactory progress on the WMP, for which you received a letter of reprimand.

The least favorable character of discharge that the Secretary of the Air Force may approve in this case is honorable. Attached are copies of documentary evidence to support this action.

3. Sign and date the attached memorandums of acknowledgment immediately upon receiving this notification memorandum. Give one copy of the acknowledgment memorandum to the officer presenting this notification memorandum to you. If you decline to acknowledge receiving this notification memorandum, the officer presenting it to you will show on it the date and time that you declined to acknowledge receiving it. The notification and acknowledgment memorandums will be part of your case file.

4. Familiarize yourself with AFI 36-3206, particularly the rights that you have and the actions that the MAJCOM may take on receipt of your reply to the action initiated. Contact [REDACTED] extension 6-2186, Building 1638, to discuss the procedures involved and your rights and options. If you decline counsel, contact [REDACTED] Chief, Military Personnel Flight, extension 6-7715, Building 402, Room 322A, for counseling about your rights and options. If you do not take action or respond as specified in the following paragraphs, the MAJCOM will proceed with further action under AFI 36-3206.

5. Within 10 calendar days after you receive this notification memorandum, indorse it directly to HQ AETC/DPPAFQ, 1851 1st Street East Ste 1, Randolph AFB TX 78150-4315. The MAJCOM will proceed with further action under AFI 36-3206 if it does not receive the indorsement within the allotted time. Include in your indorsement:

a. A statement of whether you want to comment or submit documentary evidence that you want considered in evaluating your case. Attach any statements or documentary evidence. If you are unable to submit your statements or documentary evidence within 10 calendar days after receiving this notification memorandum, you may request more time as allowed under

AFI 36-3206. If you have requested more time to respond to the action initiated, attach a copy of your request.

b. A statement that [REDACTED] counseled you and that you fully understand your rights and options in this action. If you declined counsel, so state and indicate that [REDACTED] Chief, Military Personnel Flight, counseled you and that you fully understand your rights and options in this action.

c. A statement that you understand the following regarding recoupment of education assistance, special pay, or bonuses received if you haven't completed the period of active duty you agreed to serve:

- Recoupment of a portion of education assistance, special pay, or bonus monies received if you voluntarily separate.
- Recoupment of a portion of education assistance received if involuntary discharge is for misconduct.
- Recoupment of a portion of special pay or bonus monies received regardless of the basis for involuntary discharge.
- The recoupment in all cases is an amount that bears the same ratio to the total amount or cost provided to you as the unserved portion of active duty bears to the total period of active duty that you agreed to serve.
- If you dispute that you are indebted for educational assistance, the board of inquiry, or, if you do not choose or are not entitled to a board of inquiry, an authority appointed by the MAJCOM, will make findings and recommendations concerning the validity of your indebtedness. See AFI 36-3206, paragraph 4.37, regarding special rules for recoupment.

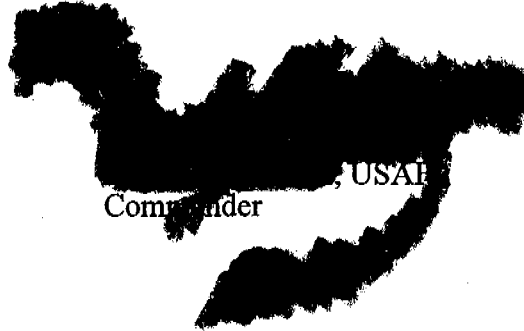
d. A statement notifying me whether you intend to apply for retirement or tender your resignation. If you have applied for retirement or tendered your resignation, attach a copy of the retirement application or the resignation.

e. A statement that the area defense counsel or the Chief, Military Personnel Flight, explained separation pay to you and that you understand the eligibility criteria to receive separation pay.

6. In response to this notification memorandum, you may, within 10 calendar days, tender your resignation under AFI 36-3207, chapter 2, section B, with the understanding that, if the Secretary of the Air Force accepts your resignation, you will receive an honorable discharge and that your discharge date will be as soon as possible but no later than 10 calendar days after the date that the MPF receives separation instructions.

7. Since you have not had access to SCI, SIOP-ESI, or other special access programs, no action under AFI 31-501 is required.

8. You may request excess leave if the Air Force doesn't require your further participation in processing your case.



Attachments:

1. AF Form 393, Apr 93 to 7 Oct 96
2. Separation Physical
3. LOR, 26 Nov 96
4. Response to LOR, 27 Nov 96 w/9 atch
5. LOR, 7 Oct 96
6. Response to LOR, [REDACTED], 16 Oct 96 w/1 atch
7. MFR, [REDACTED], 4 Sep 96
8. [REDACTED] Memo, 19 Aug 96 w/5 atch
9. AF Form 108, 14 Aug 96
10. MFR, [REDACTED], 14 Aug 96
11. PC-III Percentage of Body Fat Measurement, 30 Jul 96
12. LOR, 12 Jul 96
13. AF Form 1058, 14 Aug 96
14. [REDACTED] Response to LOR, 1 Aug 96 w/2 atch
15. PC-III Percentage of Body Fat Measurement, 26 Jun 96
16. MFR, [REDACTED], 26 Jun 96
17. Mandatory Physical Fitness Program, 28 May 96
18. Mandatory Physical Fitness Program, 28 May 96
19. PC-III Percentage of Body Fat Measurement, 15 May 96
20. MFR, [REDACTED], 15 May 96
21. PC-III Percentage of Body Fat Measurement, 5 Apr 96
22. PC-III Percentage of Body Fat Measurement, 26 Feb 96
23. PC-III Percentage of Body Fat Measurement, 23 Jan 96
24. PC-III Percentage of Body Fat Measurement, 17 Dec 95
25. AF Form 108, 29 Nov 95
26. WMP Appointment, 29 Aug 95
27. WMP Appointment, 24 Jul 95
28. WMP Appointment, 23 Jun 95
29. WMP Appointment, 26 May 95
30. WMP Appointment, 26 Apr 95
31. WMP Appointment, 27 Mar 95
32. WMP Appointment, 27 Feb 95
33. WMP Appointment, 26 Jan 95



34. WMP Appointment, 8 Jan 95
35. WMP Appointment, 8 Dec 94
36. WMP Appointment, 14 Nov 94
37. WMP Appointment, 13 Oct 94
38. AF Form 108, 13 Oct 94
39. LOR, 5 Oct 94
40. Response to LOR, [REDACTED], 13 Oct 94
41. AF Form 1058, 5 Oct 94
42. WMP Appointment, 13 Sep 94
43. AF Form 108, 13 Sep 94
44. WMP Appointment, 12 Aug 94
45. WMP Appointment, 13 Jul 94
46. AF Form 108, 13 Jul 94
47. WMP Appointment, 13 Jun 94
48. AF Form 108, 13 Jun 94
49. LOR, 16 May 94
50. WMP Appointment, 16 May 94
51. AF Form 108, 17 May 94
52. WMP Appointment, 13 Apr 94
53. AF Form 422, 13 Jan 94
54. LOC, 30 Dec 93
55. Response to LOC, 10 Jan 94
56. LOC, 16 Oct 96
57. LOC, 1 Aug 96
58. AFI 36-3206
59. AFI 36-3207
60. Letter of Acknowledgment (2 copies)