






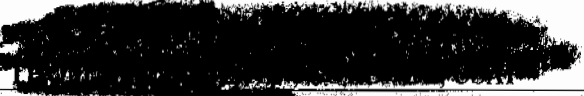



AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE AMN	AFSN/SSAN 				
TYPE	PERSONAL APPEARANCE		X RECORD REVIEW				
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
			X				
			X				
			X				
							X
			X				
ISSUES A94.04		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	
HEARING DATE 18 JUN 03		CASE NUMBER FD2003-0139		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. The Board did not change the Reason, Authority or the RE Code.							
SIGNATURE OF RECORDER 			SIGNATURE OF BOARD PRESIDENT 				
INDORSEMENT					DATE: 18 JUN 03		
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				

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD03-00139

GENERAL: The applicant appeals for an Honorable Discharge, a Change in Reason and Authority for Discharge, and to change the Re-enlistment (RE) Code.

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 to Honorable is approved. However, Change in Reason and Authority for discharge along with a change in the RE Code is denied.

ISSUE: Applicant contends that her discharge was too harsh because her Commander thought her failure in her CDC's was deliberate but she insists that her failure was unintentional. The records indicate the applicant was discharged with a General discharge for Unsatisfactory Performance. Normally, when someone fails their CDC course and there is no other derogatory information in the file, they receive an Honorable discharge. 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 upgrade of the discharge. However, the Board did not agree to change the applicant's Reason, Authority or RE Code.

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 finding, the Board further concludes that the overall quality of the applicant's service is more accurately reflected by an honorable discharge. The Board concluded that the Reason and Authority of the applicant's discharge were appropriate due to the unsatisfactory academic performance. And, the RE Code is appropriate for someone discharged due to Unsatisfactory Performance.

Attachment:
Examiner's Brief

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

(Former AMN) (HGH A1C)

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF 29 Jul 02 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. BACKGROUND:

a. DOB: 27 Oct 76. Enlmt Age: 23 5/12. Disch Age: 25 9/12. Educ: HS DIPL. AFQT: N/A. A-61, E-58, G-50, M-50. PAFSC: 3P031 - Security Forces Apprentice. DAS: 5 Oct 00.

b. Prior Sv: (1) AFRes 17 Apr 00 - 09 May 00 (23 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as A1C 10 May 00 for 6 yrs. Svd: 2 Yrs 2 Mo 20 Das, all AMS.

b. Grade Status: AMN - 10 Jun 02 (Administrative Demotion).

c. Time Lost: None.

d. Art 15's: None.

e. Additional: EOC, 12 MAR 02 - Failed CDC End Of Course Exam for the second time.

EOC, 05 JAN 02 - Failed CDC End of Course Exam.

f. CM: None.

g. Record of SV: 10 May 00 - 15 Jan 02 Edwards AFB 4 (HAF Dir)
16 Jan 02 - 18 Apr 02 Edwards AFB 3 (HAF Dir) REF

(Discharged from Edwards AFB)

h. Awards & Decs: AFTR, AFEM, NDSM, FPBOB.

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (13) Das
TAMS: (2) Yrs (2) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Mar 03.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: In reference to DD form 214 block 28, the Narrative Reason for Separation states Unsatisfactory Performance. I feel that this particular

statement is inadequate describing my short lived military career. As referenced from my Response to Discharge Notification, Dated 10 Jul 02, paragraph 6, sentence 2,3,4, and 5, the failure of my 5 level CDC's (sic) was not intentional. As stated in paragraph 2, sentence 5,6,7, and 8, my moral convictions and my religious upbringing did not enable me to carry out my duties as a Security Forces Specialists (sic). Because I am not a quitter and have many accomplishments as listed in paragraph 3, my chain of command was quick to assume that my recent CDC failures were deliberate. Despite my chain of commands (sic) rush to judgment on my failures I can assure you they were unintentional.

In reference to block 24, Character of Service, I am requesting this be upgraded from Under Honorable Conditions (General) to Honorable. As stated in paragraph 7, sentence 5,6,7, and 8, I was demoted to E-2 because of my CDC failures, causing me embarrassment, the subject to conversation, and an example piece within my squadron and fellow peers. Shortly after, I received a Recommendation for Discharge for the same actions that were filed against me for failing my CDC's (sic). While giving me a classification of Under Honorable Conditions (General) I am again getting punished again for the same unsubstantiated accusations. Upgrading me to Honorable would allow me to pursue and further my education while getting full advantage of my Montgomery GI Bill. During my military career I served proudly and tried to figure a way to honorably serve the rest of my enlistment as referenced, as stated in paragraph 1, sentence 10.

ATCH

1. DD Form 214.
2. Response to Discharge Notification.
3. Five Certificates of Training.
4. Certificate of Recognition.
5. Armed Forces Expeditionary Medal.
6. Certificate of Training.
7. Photographs.

30APR03/ia

FD 2003-00139



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 95TH AIR BASE WING (AFMC)
EDWARDS AIR FORCE BASE, CALIFORNIA

MEMORANDUM FOR AMN [REDACTED]

FROM: 95 SFS/CC

3 July 02

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance (failure to progress in on-the-job training (OJT). The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.26.3. If my recommendation is approved, your service will be characterized as either honorable or under honorable conditions (general). I am recommending an under honorable conditions (general) discharge.

2. My reasons for discharging you for failure to progress in OJT are as follows:

a. On 5 Jan 02, you scored a 55 on your Career Development Course (CDC) examination, your first CDC failure. A minimum passing grade of 65 is required as evidenced by an Air University student history report, 5 Jan 02. (Atch 1.1)

b. On 12 Mar 02, you scored a 53 on your second CDC examination, your second CDC failure. A minimum passing grade of 65 is required as evidenced by an Air University student history report, dated 12 Mar 02. (Atch 1.2) For this second failure, you received an Administrative Demotion for failure to achieve a skill level appropriate to your grade. (Atch 1.3)

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial (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.

4. 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 the AOC, 7- [REDACTED] at Bldg [REDACTED] on 8 Jul 02 at 1330. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 10 Jul 02 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.

7. You have been scheduled for a medical examination. You must report to Physical Examination Section, Flight [redacted] Office, Bldg 3925 at 0730 on 8 Jul 02 for the examination. *1515*

8. 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 Orderly Room.

[redacted]
[redacted], Lt Col, USAF
Commander

Attachments:

- 1. Supporting Documents
 - 1.1. Air University Student History Report dated 5 Jan 02
 - 1.2. Air University Student History Report dated 12 Mar 02
 - 1.3. Administration Demotion dated 10 Jun 02
- 2. Airman's Receipt of Notification/Recoupment Memorandum
- 3. Airman's Statement
- 4. EPRs