

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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|---|-------------------------------------|--|--|-------|-------|------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████ | | GRADE 1LT | AFSN/SSAN ██████████ | | | |
| TYPE | <input checked="" type="checkbox"/> | PERSONAL APPEARANCE | RECORD REVIEW | | | |
| NAME OF COUNSEL AND OR ORGANIZATION | | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | |
| YES | No | | | | | |
| | <input checked="" type="checkbox"/> | | | | | |
| MEMBER SITTING | | HON | GEN | UOTHC | OTHER | DENY |
| <div style="border: 1px dashed black; height: 100px; width: 100%;"></div> | | | | | | X |
| | | | | | | X |
| | | | | | | X |
| | | | | | | X |
| | | | | | | X |
| ISSUES | A94.05 | INDEX NUMBER | A49.00 | | | |
| | | 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 DATE | 19 Oct 2004 | CASE NUMBER | FD-2003-00266 | | | |

Case heard at Travis AFB, CA, via video-teleconference with Washington, D.C.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

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| TO: SAF/MRBR 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, 3RD FLOOR ANDREWS AFB, MD 20762-7002 |
|---|--|

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00266

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

The applicant appeared without counsel and testified before the Discharge Review Board (DRB) at Travis AFB, CA, via video-teleconference with Andrews AFB, MD, on October 19, 2004.

The following additional exhibits were submitted at the hearing:

Exhibit 5: Memorandum dated February 11, 2002, from [REDACTED] 95 ABW/CV

Exhibit 6: Company Grade Officer Performance Feedback Worksheet dated March 28, 2001

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 is 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 reason and authority for discharge.

ISSUE: The applicant received an Honorable discharge with the reason being Unsatisfactory Performance and wishes to change the reason to "Release from Active Duty" as it is affecting his civilian employment. He stated that the record did not take into account his more than five years of honorable service and that the incidents for which he was separated encompass only four months and were allegedly the result of one person. The record shows that the applicant received 10 Memorandums for Record and one Letter of Admonishment for unsatisfactory performance to include disobeying a direct order, two derelictions of duty, failing to comply with instructions, failing to act when squadron members broke rank during a retreat ceremony, failing to display officership, command presence, and perform simple drill and ceremonies, failing to display basic job knowledge, complaining that a supervisor's feedback was "total bullshit", failing to make timely and accurate changes for a simple change of command event, substandard performance as an officer, and lack of interest and involvement with flight operations. Additionally, the record contained two referral Officer Performance Reports, the last which rated five of the six performance factors as "Does Not Meet Standards", documentation removing him from the Captain's promotion list for lack of improvement and failure to demonstrate knowledge, initiative, leadership, and managerial skills, and documentation showing that he was twice offered the opportunity to show cause for his retention on active duty. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative/repetitive substandard performance. The Board concluded that his performance was a significant departure from the performance expected of all military members, especially an officer. The Board found no evidence of impropriety or inequity in this case on which to base a change of reason or authority for 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 change of reason and 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

FD2003-00266-A

 (Former 1LT) (HGH 1LT) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a HON Dish fr USAF 10 Oct 02 UP AFI 36-3206, Chapter 2 (Unsatisfactory Performance). Appeals to Change Reason and Authority for Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 30 Jan 03.

b. The AFDRB reviewed case on 26 Feb 03 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 24 Apr 03. (Change Reason and Authority for Discharge)

ISSUE 1: I wish to change Block 28 of DD 214 to "Release from Active Duty." It is affecting civilian employment.

Atch

1. DD Form 149.
2. Character Reference.
3. Request to Personal Appearance in CA.
4. DD Form 214.
5. Officer Performance Reports.
6. NGB Form 22.

97/04/10/ai

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

MISSING MEDICAL RECORDS

(Former 1LT) (HGH 1LT)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 10 Oct 02 UP AFI 36-3206, Chapter 2 (Unsatisfactory Performance). Appeals to Change Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 21 Sep 74. Enlmt Age: 18 10/12. Disch Age: 28 0/12. Educ: MASTERS DEGREE. AFQT: N/A. A-93, E-73, G-53, M-72. PAFSC: 21A3 - Aircraft Maintenance and Munitions. DAS: 11 Apr 00.

b. Prior Sv: (1) Enld in ANG 5 Aug 93. Svd: 2 Yrs 0 Mos 23 Days, AMS: None. SRA - 1 Sep 94.

(2) Enld in AFRes 28 Aug 95 as A1C for 8 Yrs. Svc: 1 Yr 7 Mos 24 Days, AMS: 5 Mos 3 Days.

3. **SERVICE UNDER REVIEW:**

a. Appt as 2nd Lt USAFR 30 May 87, entered active duty 4 Jun 97. Svd: 5 Yrs 4 Mos 7 Das, all AMS.

b. Grade Status: 1Lt - 28 May 99
Capt - Selected and removed from the promotion list.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MFR, 04 DEC 01 - Failure to follow work directions.
MFR, 21 NOV 01 - Lack of interest and involvement with flight operations.
MEMO, 08 NOV 01 - Substandard performance as an officer.
MFR, 17 JUL 01 - Failure to make timely and accurate changes for the change of command event.
MFR, 06 JUL 01 - Complaint that supervisor's feedback was "total bullshit".
MFR, 03 JUL 01 - Failure to display basic job knowledge.
MFR, 15 JUN 01 - Failure to display officership, command presence and failure to perform simple drill and ceremonies.
MFR, 13 JUN 01 - Failure to act when squadron members broke rank during retreat ceremony.
MFR, 01 JUN 01 - Failure to comply with instructions.

FD2002-0460

MFR, 30 APR 01 - Dereliction to duty.

LOA, 05 APR 01 - Disobeyed a direct order and dereliction to duty.

f. CM: None.

g. Record of SV: 4 Jun 97 - 3 Jun 98 Malmstrom AFB YF (Annual)
 4 Jun 98 - 3 Jun 99 Malmstrom AFB YE (Annual)
 4 Jun 99 - 31 Mar 00 Malmstrom AFB YE (CRO)
 1 Apr 00 - 31 Mar 01 Edwards AFB NE (Annual)REF
 1 Apr 01 - 15 Nov 01 Edwards AFB NE (Dir by Cmdr)REF

(Discharged from Edwards AFB)

h. Awards & Decs: AFCM, AFLSA, NDSM, AFTR W/1OLC, AFOUA W/1OLC, MBOB.

i. Stmt of Sv: TMS: (9) Yrs (2) Mos (6) Das
 TAMS: (5) Yrs (9) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Oct 02.
 (Change Reason and Authority for Discharge)

Issues: The narrative reason for separation with my discharge is incorrect because it does not take into account 5 years and 4 months of honorable and faithful service it is only based on one incident and the personal opinion of one officer which was my supervisor Major ----- . All of his superiors only concurred due to the fact he was the only one allowed to state facts. I have no other adverse actions in the other years of service. My supervisors actual reporting and supervising period were only from June 2001 to September 2001 which does not allow a fair report. He states his period of report is from 1 April 2001 to 15 Nov 2001 which is untrue. I can show this with Document 2. An acquisition examiner never concurred with Officer Performance report in section 1X as required by law therefore it should not be taken into consideration or valid. I stated to my supervisor that I had chosen not to continue with military service based on personal reasons and for my family and this was where there was a incredible decline in my reviews. I have received an honorable discharge which means I have served exceeding required standards of lduty performance. My narrative reason of "unsatisfactory performance (sic) does not coincide. I am requesting line 28 of DD Form 214 be changed to "release from active duty" and honorable discharge on line 24 remain the same.

ATCH

1. Letter of Reference.
2. Evaluation Reports.
3. NGB Form 22 (Discharge Document).
4. DD Form 214.
5. DD Form 149

30 Jan 03/cr

FD 2005-0044-11
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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 412TH TEST WING (AFMC)
EDWARDS AIR FORCE BASE, CALIFORNIA

1 Feb 02

MEMORANDUM FOR [REDACTED]
412 MXS/LGMP

FROM: 412 TW/CC

SUBJECT: Notification of Show Cause Action Initiated Under AFI 36-3206, Chapter 2, Paragraphs 2.3.1, 2.3.2, 2.3.3, 2.3.4, and 2.3.5.

1. I am initiating action against you under AFI 36-3206, chapter 2, paragraphs 2.3.1, 2.3.2, 2.3.3, 2.3.4, and 2.3.5 that requires you to show cause for retention on active duty.
2. I am taking this action for the specific reasons shown in attachment 1. You have shown no improvement in officership, leadership, management, nor technical knowledge skills required of an officer of your grade and position since your arrival in the 412th Maintenance Squadron from the 450th Test Squadron. Despite efforts to improve your professional shortcomings such as direct guidance from your squadron commander on duties and responsibilities, daily interaction with your supervisor including visits to your work area, and interaction and guidance from co-workers, you have shown neither progress nor the ability to remain an officer or member of the military. The least favorable character of discharge that the Secretary of the Air Force may approve in this case is under honorable conditions (general). Attached are copies of documentary evidence supporting this action.
3. Sign and date the attached indorsement acknowledging receipt of this notification memorandum. A copy of the notification memorandum will be provided to you. If you decline to acknowledge receiving this notification memorandum, the officer presenting it to you will indicate on it, the date and time that you declined to acknowledge receiving it and it will be included as a part of your case file.
4. Familiarize yourself with AFI 36-3206, particularly the rights that you have. If you do not apply for retirement or request a resignation in lieu of further administrative action, an Air Force Personnel Board (AFPB) will convene as provided in chapter 6. Contact the Area Defense Counsel, [REDACTED] 277-2809, USAF JUD(ADC) AFLSA, 20 Popson Ave, Bldg 2670, Edwards AFB CA 93524-1265, to discuss the procedures involved and your rights and options. If you decline counsel, contact the Chief, Military Personnel Flight, [REDACTED] 277-2022, 95 MSS/DPM, 125 Methusa Ave; Bldg 2419 Rm 123, Edwards AFB CA 93524, for counseling about your rights and options.

5. Within 10 calendar days after you receive this notification memorandum, you must respond by indorsement to me. If I do not receive the indorsement within the allotted time I will proceed with further action under AFI 36-3206. Include in your indorsement:

a. Any statement you wish to submit on your own behalf and/or any additional evidence that you wish me to consider. 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. Submit your request for additional time to me. If you do not submit statements or evidence, your failure will constitute a waiver of your right to do so and I will refer your case to the AFPB.

b. A statement that [REDACTED] Area Defense Counsel, 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:

- (1). Recoupment of a portion of education assistance, special pay, or bonus monies received if you voluntarily separate.
- (2). Recoupment of a portion of education assistance received if involuntary discharge is for misconduct.
- (3). 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 AFMC/CC will make findings and recommendations concerning the validity of your indebtedness. See AFI 36-3206, 4.32 and 4.33, 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.

f. Any other pertinent information.

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 may receive a discharge under honorable conditions (general) unless the Secretary of the Air Force determines that you should receive an honorable discharge. If the Secretary of the Air Force accepts your resignation, your discharge date will be as soon as possible but no later than 10 calendar days after the date that the Military Personnel Flight receives separation instructions.

7. I have taken action required under AFI 31-501.

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

[Redacted Signature]
Commander

7 Attachments:

- 1. Summary of Reasons for Paragraph 2
- 2. Referral OPRs- 2 ea.
- 3. Memos for Record- 16 ea.
- 4. Removal from Promotion List Package, 13 Nov 01
- 5. Promotion Delay Package, 20 Jul 01
- 6. AFI 36-3206, 19 Jun 98
- 7. AFI 36-3207, 10 Mar 00

[Redacted Line]

MEMORANDUM FOR SHOW CAUSE AUTHORITY

I acknowledge receiving MEMORANDUM FOR [Redacted] 412 MXS/LGMP, from Headquarters 412th Test Wing, Notification of Show Cause Action Initiated Under AFI 36-3206, Chapter 2, Paragraphs 2.3.1, 2.3.2, 2.3.3, 2.3.4, and 2.3.5, on

(date) 4 February 2002, at 1045 (hours), with 7 attachments.

[Redacted Signature]