

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]		<b>GRADE</b> [REDACTED]	<b>AFSN/SSAN</b> [REDACTED]		
<b>TYPE: GEN</b>	<b>PERSONAL APPEARANCE</b>		<b>X</b>	<b>RECORD REVIEW</b>	
<b>COUNSEL</b>		<b>NAME OF COUNSEL AND OR ORGANIZATION</b>		<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
<b>YES</b>	<b>No</b>				
	<b>X</b>				
<b>MEMBER SITTING</b>			<b>VOTE OF THE BOARD</b>		
			<b>HON</b>	<b>GEN</b>	<b>UOTHC</b>
					<b>OTHER</b>
					<b>DENY</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
[REDACTED]					<b>X</b>
<b>ISSUES</b>		<b>INDEX NUMBER</b>	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
A01.13 A92.35 A01.07		A67.10	<b>1</b>	ORDER APPOINTING THE BOARD	
			<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
			<b>3</b>	LETTER OF NOTIFICATION	
			<b>4</b>	BRIEF OF PERSONNEL FILE	
				COUNSEL'S RELEASE TO THE BOARD	
<b>HEARING DATE</b>		<b>CASE NUMBER</b>	ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		
19 Nov 2003		FD-2003-00351	TAPE RECORDING OF PERSONAL APPEARANCE		
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE					
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					
<b>SIGNATURE OF</b> [REDACTED]					
<b>ENDORSEMENT</b> [REDACTED]					
<b>DATE</b> 11/19/2003					
<b>TO:</b>			<b>FROM:</b>		
SAF/MRBI [REDACTED] 550 C STREET [REDACTED] RANDOLPH AFB, TX 77442			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**

**GENERAL:** The applicant appeals for upgrade of discharge to honorable and to change the reason and authority for his 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:** Upgrade of discharge and change of reason and authority for the 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 was discharged for both minor disciplinary infractions and unsatisfactory performance. He had eight Records of Individual Counseling, one Letter of Reprimand, a traffic ticket, and three Memos for Record documenting misconduct. In addition to twice failing his Career Development Course End-of-Course examination, his misconduct included multiple instances of failure to go, financial irresponsibility, and dereliction of duty over a 12-month period. There were also indications from his tech school training assessment that he had difficulties there. At the time of the discharge, applicant waived his right to consult counsel and submit statements in his own behalf. Applicant feels his discharge was based on one isolated incident, but the record clearly shows this issue to be without merit. Additionally, applicant feels the basis for his discharge should be solely his unsatisfactory performance. Again, the record clearly documents a pattern of continuing misconduct, thus rendering this issue also without merit. The Discharge Review Board noted that member was responsible for his actions of misconduct and was properly held accountable for those. He was age 20 to 22 while in the military, essentially the same age as other first term airmen who adhere to the expected standards of conduct. There was no evidence he was immature or did not know right from wrong. He was counseled repeatedly and given numerous opportunities to conform his behavior but failed to respond to those rehabilitative efforts. With regard to the unsatisfactory performance, he was given numerous opportunities to improve and make satisfactory progress, but failed to do so. No inequity or impropriety was found in this discharge in the course of the records review.

**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

[REDACTED]  
[REDACTED]  
(Former AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 18 Jun 99 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions) and para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-the-Job Training. Appeals for Honorable Discharge and to Change the Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 8 May 77. Enlmt Age: 20 3/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-68, E-73, G-70, M-70. PAFSC: 4Y031 - Dental Assistant Apprentice. DAS: 24 Feb 98.

b. Prior Sv: (1) AFRes 5 Sep 97 - 8 Oct 97 (1 month 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 9 Oct 97 for 4 yrs. Svd: 1 Yrs 8 Mo 10 Das, all AMS.

b. Grade Status: Amn - 9 Apr 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MFR, 10 MAY 99 - Two-time CDC Exam failure.  
RIC, 28 APR 99 - Failed dorm room inspection and Dental Treatment Room in poor condition.  
LOR, 14 DEC 98 - Leaving Dental Treatment Room in poor condition.  
RIC, 08 DEC 98 - Failure to maintain appointment book and patient compromise.  
RIC, 13 OCT 98 - Late for work.  
RIC, 31 JUL 98 - Poor duty performance.  
RIC, 20 JUL 98 - Financial irresponsibility.  
Traffic Ticket, 8 JUL 98 - Speeding.  
RIC, 21 MAY 98 - Failure to go.  
RIC, 29 APR 98 - Two missed appointments.  
RIC, 13 APR 98 - Financial irresponsibility.

f. CM: None.

g. Record of SV: None.

(Discharged from Wright-Patterson AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (9) Mos (14) Das  
TAMS: (1) Yrs (8) Mos (10) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 21 Jul 03.

(Change Discharge to Honorable and Change the Reason and Authority for Discharge)

Issue 1: I request discharge up grade from General/Under Honorable to: "Honorable." My discharge was inequitable because it was based on one incident in 21 months of service with no other adverse action.

Issue 2: I request a change of my reason for discharge (sic) to CIWD (sic) as failure to pass my Dental Journeyman Test led to the condition which interfered with my continuing duty in the Air Force. I sincerely (sic) regret my immaturity and lack of focus on my studies for this test. I now work in this field and want to use my GI Bill(Ch 30) to further my education in this field. This code change will allow 21 months CH30.

**ATCH**

None.

29AUG03/ia



g. On or about 13 October 1998 you failed to report at the prescribed time to your official place of duty. For this you received a Letter of Counseling dated 13 October 1998.

h. On or about 7 November 1998 it was discovered that you had failed to utilize the resource list to fill vacancies in the appointment schedule. This resulted in a Letter of Counseling dated 8 December 1998.

i. On or about 8 December 1998 you left for the day without cleaning the examination room as it was your duty to do. The next day dental instruments were found lying in the sink, and an instrument cassette, gloves, and records stamps were found lying on the counter. For this you received a Letter of Reprimand dated 14 December 1998.

j. On or about 27 April 1999 you failed a random dormitory room inspection. This resulted in a Letter of Counseling dated 28 April 1999.

## II. Paragraph 5.26.3, Unsatisfactory Performance – Failure to Progress in On-the-Job Training

a. According to your CDC report dated 11 March 1999, you failed to maintain a minimum passing score of 65. Your score was a 62.

b. According to your CDC report dated 4 May 1999, you failed to maintain a minimum passing score of 65. Your score was a 64.

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

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 [REDACTED] at the Area Defense Counsel's office, Building [REDACTED] on 8 Jun 99 at 1400 hours. 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 within 3 working days of your receipt of this letter, unless you request and receive an extension for good cause shown. I will send your statements 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 the 74th Medical Group, Aerospace Medicine, Building 830, Wright-Patterson AFB, OH, at 0815 on 17 Jun 99 for the examination.
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.



Attachments:

1. Letter of Counseling, 13 Apr 98
2. Letter of Counseling 29 Apr 98
3. Letter of Counseling, 21 May 98
4. Traffic Ticket, 8 Jul 98
5. Letter of Counseling, 20 Jul 98
6. Letter of Counseling, 31 Jul 98
7. Letter of Counseling, 13 Oct 98
8. Letter of Counseling, 8 Dec 98
9. Letter of Reprimand, 14 Dec 98
10. Letter of Counseling, 28 Apr 99
11. Two-Time CDC Exam Failure Letter w/atch, 10 May 99