

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 15px;"></div>			GRADE A1C		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>	
TYPE GEN		PERSONAL APPEARANCE			X RECORD REVIEW	
COUNSEL YES No		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL	
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MEMBER SITTING				VOTE OF THE BOARD		
				HON	GEN	UOTHC
				OTHER	DENY	
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ISSUES A01.17		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	
					TAPE RECORDING OF PERSONAL APPEARANCE	
HEARING DATE 08 Dec 2003		CASE NUMBER FD-2003-00400				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Randolph AFB, TX.</p> <p>Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR</p>						
SIGNATURE OF RECORDER <div style="background-color: black; width: 100%; height: 15px;"></div>				SIGNATURE OF BOARD PRESIDENT <div style="background-color: black; width: 100%; height: 15px;"></div>		
INDORSEMENT				DATE: 12/8/2003		
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-2003-00400
<p>GENERAL: The applicant appeals to upgrade her November 3, 1999, discharge from General to Honorable. The applicant requested to appear before the Board but was unable to appear as requested. The Board considered her request for upgrade on December 8, 2003.</p> <p>The attached brief contains the available pertinent data and factors leading to the applicant's discharge.</p> <p>FINDINGS: The applicant's request is APPROVED.</p> <p>The Board finds that applicant's discharge was negatively impacted by minor misconduct that was not included in her discharge notification letter. Because the unnoticed minor misconduct was considered by the separation authority, the Board found that the applicant's discharge characterization was unfairly prejudiced.</p> <p>ISSUE:</p> <p>The applicant contends that her general discharge was inequitable and too harsh because although she failed to complete her career development courses, her actual duty performance was satisfactory. The Board concluded that the applicant was discharged for unsatisfactory performance--failure to progress in military training. The reasons provided in her discharge notification letter, dated 19 October 1999, were that on five separate occasions the applicant failed her career development course (CDC) examinations. The applicant's commander initially recommended a general discharge, but after receiving an oral and written response from the applicant, he amended the discharge notification on 27 October 1999, to recommend an honorable discharge. The Board determined that in the legal review by the Staff Judge Advocate, the separation authority was advised that he should consider that the applicant had "six letters of reprimand and one letter of counseling during her tenure" at Offutt AFB. The Staff Judge Advocate further recommended a general discharge based on the applicant's less than "sterling" record. The Board recognizes that while evidence of such minor misconduct can be considered by the separation authority in determining a member's discharge characterization, the notice of discharge must apprise the member of all allegations and evidence that will be considered by the separation authority. The notice should also provide the member with an opportunity to respond to the allegations and evidence presented to the separation authority. After review of the record, the Board concluded that the applicant was not afforded proper notification of other misconduct, nor was she given the opportunity to adequately respond to the separation authority. The failure to provide proper notice of all matters considered by the separation authority creates an impropriety that justifies upgrading the applicant's discharge.</p> <p>CONCLUSIONS: In view of the foregoing findings the board concludes that the applicant's service is more accurately reflected by an Honorable discharge. The reason for the discharge should remain unsatisfactory performance. The Board does not recommend changing the applicant's reentry code. The applicant's discharge characterization should be changed to honorable under the provisions of Title 10, USC 1553.</p> <p>Attachment: Examiner's Brief</p>	

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

[REDACTED]
[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 3 Nov 99 UP AFI 36-3208, para 5.25 (Unsatisfactory Performance - Failure To Progress In Military Training). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 23 Aug 75. Enlmt Age: 20 8/12. Disch Age: 24 2/12. Educ: BAC. AFQT: N/A. A-60, E-43, G-41, M-46. PAFSC: 3S031 - Personnel Apprentice. DAS: 12 Jan 97.

b. Prior Sv: (1) AFRes 23 Apr 96 - 24 Sep 96 (5 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 25 Sep 96 for 4 yrs. Svd: 3 Yrs 1 Mo 10 Das, all AMS.

b. Grade Status: A1C - 25 Jan 98
AMN - 25 Mar 97

c. Time Lost: None.

d. Art 15's: (1) None.

e. Additional: EOC FORM 9, 24 SEP 99 - Failed End of Course examination.
EOC FORM 9, 02 AUG 99 - Failed End of Course examination.
LOR, 21 MAY 99 - Dereliction of duty.
LOR, 06 MAY 99 - Dereliction of duty.
LOR, 26 MAR 99 - Inappropriate behavior and disrespect to an NCO.
LOR, 26 MAR 99 - Dereliction of duty.
LOR, 25 FEB 99 - Violating the Chain of Command, and disrespect to an NCO.
LOC, 21 FEB 99 - Disrespect to an NCO.
EOC FORM 9, 16 OCT 98 - Failed End of Course examination.
EOC FORM 9, 27 JUL 98 - Failed End of Course examination.
EOC FORM 9, 14 NOV 97 - Failed End of Course examination.
EOC FORM 9, 15 AUG 97 - Irresponsible behavior.

f. CM: None.

g. Record of SV: 25 Sep 96 - 28 Sep 98 Offutt AFB 3 (Initial)
29 Sep 98 - 11 May 99 Offutt AFB 1 (Cmdr Dir) REF

(Discharged from Offutt AFB)

h. Awards & Decs: AFTR, SAEMR, AFOUA.

i. Stmt of Sv: TMS: (3) Yrs (6) Mos (12) Das
TAMS: (3) Yrs (1) Mos (10) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Aug 03.
(Change Discharge to Honorable)

Issue 1: Upgrade of my DD-214 to Honorable from General Under Honorable Conditions. My actual performance duties related to my AFSC was satisfactory. The primary reason I was discharged was my failure to complete career development courses. I am unable to explain the reason, other than my inability to take tests. The inability to work with my supervisor. Due to several issues including stress related to my working conditions, and personality (sic) conflict contributed to my failure to complete the CDC's. Thus resulting to my disc (sic).

ATCH

1. DD Form 214.

17SEP03/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 55TH WING (ACC)
OFFUTT AIR FORCE BASE, NEBRASKA

MEMORANDUM FOR A1C [REDACTED]

19 OCT 99

FROM: 55 MSS/CC

SUBJECT: Letter of Notification

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance--Failure To Progress In Military Training. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.25. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending a general discharge.

2. My reason for this action is your failure to progress in military training as evidenced by:

a. On 14 April 1997, you were enrolled in Career Development Course (CDC) 3S051, Set A. On 14 November 1997, you took your End of Course examination and failed to achieve the minimum passing score of 65%. Your score was 48%. (Atch 1-1)

b. On 16 December 1997, you were enrolled in CDC 3S051, Set A. On 27 July 1998, you took your End of Course examination and failed to achieve the minimum passing score of 65%. Your score was 58%. (Atch 1-2)

c. On 16 December 1997, you were enrolled in CDC 3S051, Set A. On 16 October 1998, you took your End of Course examination and failed to achieve the minimum passing score of 65%. Your score was 61%. (Atch 1-3)

d. On 17 December 1997, Air Education and Training Command (AETC) deactivated your CDC's. Subsequently, on 4 November 1998, you were enrolled in CDC 3S051, Set B. On 2 August 1999, you took your End of Course examination and failed to achieve the minimum passing score of 65%. Your score was 43%. (Atch 1-4)

e. On 4 November 1998, you were enrolled in CDC 3S051, Set B. On 24 September 1999, you took your End of Course examination and failed to achieve the minimum passing score of 65%. Your score was 40%. (Atch 1-5)

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are

discharged, you will be ineligible for reenlistment in the Air Force and probably any other branch of the military.

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 Captain [REDACTED] Area Defense Counsel, Bldg 323C, RM 302, Phone 4-3939, at 0830 on 21 Oct 99. 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 1400, 22 Oct 99 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 55th Medical Group, Physical Exams, Room 115, Building 527, at 1400 on 20 Oct 99 for the examination. Please pick up your medical records 24 hrs prior to your appointment.
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 unit orderly room.
8. You have been scheduled for an initial separation appointment. You must report to the 55th Mission Support Squadron, Separations and Retirements Section, Room 235, Bldg 323C, at 0900 on 20 Oct 99 with your escort.
9. Execute the acknowledgment provided and return it to me immediately.

[REDACTED]
Lt Col, USAF
Commander, 55th Mission Support Squadron

Attachments:

- Atch 1-1; End of Course Form 9, 14 Nov 97
- Atch 1-2; End of Course Form 9, 27 Jul 98
- Atch 1-3; End of Course Form 9, 16 Oct 98
- Atch 1-4; End of Course Form 9, 2 Aug 99
- Atch 1-5; End of Course Form 9, 24 Sep 99