

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 AMN		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>																																				
TYPE GEN		PERSONAL APPEARANCE				X RECORD REVIEW																																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL																														
COUNSEL																																										
YES	No																																									
	X																																									
MEMBER SITTING				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: center;">VOTE OF THE BOARD</th> </tr> <tr> <th style="width: 15%;">HON</th> <th style="width: 15%;">GEN</th> <th style="width: 15%;">UOTHC</th> <th style="width: 15%;">OTHER</th> <th style="width: 15%;">DENY</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> </table>				VOTE OF THE BOARD					HON	GEN	UOTHC	OTHER	DENY					X					X					X					X					X
VOTE OF THE BOARD																																										
HON	GEN	UOTHC	OTHER	DENY																																						
				X																																						
				X																																						
				X																																						
				X																																						
				X																																						
ISSUES A94.05		INDEX NUMBER A49.00		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> <tr> <td style="width: 5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </table>				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																			
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 Jan 2004		CASE NUMBER FD-2003-00404																																								
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 Washington, D.C.</p> <p>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</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>																																										
INDORSEMENT				DATE: 1/9/2004																																						
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-2003-00404

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) 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 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 discharge.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant failed to progress in his on-the-job training, and failed two End-of-Course examinations in his Career Development Course (CDC). He also received one Article 15, one Letter of Reprimand, one Letter of Admonishment, and six Records of Individual Counseling for misconduct. The member's inability to progress in training, his failures of CDC examinations, and his misconduct demonstrate a disregard for Air Force rules. His behavior is incompatible with military service. The characterization of the discharge received by the applicant was found to be appropriate.

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

DEC 30 2002

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

FD2003-00404

MISSING MEDICAL RECORDS
(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 16 Aug 02 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job Training). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 30 Oct 80. Enlmt Age: 19 1/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-69, - E-61, G-53, M-36. PAFSC: 4N031 - Medical Service Apprentice. DAS: 8 Sep 00.

b. Prior Sv: (1) AFRes 16 Dec 99 - 26 Jan 00 (1 month 11 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Jan 00 for 6 yrs. Svd: 2 Yrs 6 Mo 21 Das, all AMS.

b. Grade Status: AMN - 27 Feb 02 (Article 15, 27 Feb 02)
A1C - 10 Mar 00

c. Time Lost: None.

d. Art 15's: (1) 27 Feb 02, Scott AFB, IL - Article 86. You, did, on divers occasions between on or about 1 Feb 02 and on or about 11 Feb 02, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to Airman, and 30 days restriction. (Appeal/Denied) (No mitigation)

e. Additional: EOC, 25 FEB 02 - End of Course examination failure.
LOR, 17 JAN 02 - Disobeying a lawful order.
RIC, 16 JAN 02 - Violation of AFI 36-2903, hair too long.
RIC, 26 DEC 01 - Late for work.
RIC, 26 DEC 01 - Failure to remain in room while on quarters.
RIC, 26 DEC 01 - Failure to attend mandatory study.
RIC, 19 NOV 01 - Failure to attend mandatory study.
RIC, 19 NOV 01 - Missed appointment.
LOA, 12 OCT 01 - Failure to go on multiple occasions and lying.
RIC, 28 SEP 01 - Multiple incidents of inappropriate behavior.
EOC, 27 SEP 01 - End of Course examination failure.

f. CM: None.

g. Record of SV: 27 Jan 00 - 26 Sep 01 Scott AFB 4 (Initial)

(Discharged from Scott AFB)

h. Awards & Decs: NDSM, AFTR.

i. Stmt of Sv: TMS: (2) Yrs (8) Mos (1) Das
TAMS: (2) Yrs (6) Mos (21) Das

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

ISSUES ATTACHED TO BRIEF.

ATCH

1. Letter to Commander, 26 Sep 02.
2. DD 214 (Member 4 & 1)
3. Three Letters of Support.
4. News Article.
5. Four Training Certificates.

25SEP03/ia

September 29, 2002

██████████
375 ██████████
██████████
Suite 375
Scott AFB, IL 62225-5305

RE: ██████████

Dear Colonel ██████████

As per our phone conversation, the following are the concerns we have with ██████████ military discharge:

- 1) According to ██████████ was his former supervisor. It should also be noted that he trained Sgt. ██████████ when she came on the floor and that he also trained a lot of others. Why would you have someone who supposedly performed unsatisfactorily train others?
- 2) Sgt. ██████████ stripped ██████████ of a stripe because of Article 15 for not coming in to study CDC's when she said to. She also restricted him to base for 30 days and instructed him to come in for 2 hours every day including weekends. (██████████ said the Commander informed him that study could be done anytime - no specific time, just 2 hours per day.) He told her he studied at night. **It should also be noted that the Commander was not present when he received the Article 15.**
- 3) ██████████ would cancel his leave after it was approved. He rarely got to take holidays or down days as everyone else did. His leave was cancelled on several occasions right before leave was to begin. His work schedule would also change without his knowledge.
- 4) ██████████ said ██████████ constantly harassed him about his hair. She said it was touching his ears. So he cut it after being harassed so frequently and she still harassed him. She gave him a LOC (Letter of Counsel). This is just one example. She also gave him other letters of counsel for other things. He would have letters of counsel when he would return from off days or leave.

5) [REDACTED] said someone misplaced the first set of CDC's. He asked Sgt. [REDACTED] about them but was told no one knew where they were. He asked her about a test date but she would not give him an answer. He later found out from the testing facility that he should have been tested last May. He asked Sgt. [REDACTED] about it and she acted as if she did not know about it. He feels he did not have ample time to study for the test.

6) [REDACTED] requested to leave the floor and work in another area of the hospital. But he was turned down. So [REDACTED] was given the option to re-classify or discharge. Commander Colonel [REDACTED] would not let him finish the term. He did not want to re-classify because he liked his job. He chose to discharge because he felt Sgt. [REDACTED] would set him up later. So [REDACTED] was given a General Discharge - Under Honorable Conditions. Then he found out later when he received his DD-214 **(which was signed by an enlisted personnel- no officer's signature)** that reasons for dismissal were "unsatisfactory performance". This was so unfair after all the hard work he had done. Most of the nurses and patients say he gave some of the best medical care that they ever seen given by a medical technician. He was probably, according to some staff, the best they had.

7) [REDACTED] was a hard worker. One who waited on his patients when he needed someone to wait on him. He worked under prescribed narcotics. He had cysts that had to be packed frequently to keep down infection in his body. [REDACTED] has had problems with these cysts the entire time he has been in the Air Force. He has called home emotionally upset because he said he was tired of being cut on. But thriving on his humorous personality, he continued to attend to his patients. **(Does this sound like someone who performed his job unsatisfactorily?)** But there were times when [REDACTED] became so ill at work that he needed to go home and Sgt. [REDACTED] would send him to the Emergency Room to get paperwork in order to be sent home. He could barely walk. Everyone could see he was ill but [REDACTED] did not seem to care. Others did not have to go the ER for paperwork to go home.

8) [REDACTED] was stripped of a stripe for not coming in to study when Sgt. [REDACTED] said so. But according to some, another airman with the same job (same floor) as [REDACTED] was treated so differently. This other airman (named withheld) is under age for the purchase of alcohol so it is rumored that he has officers buy it for him. He was caught sleeping on the job, which is supposed to be an automatic Article 15, and nothing was done about it. Yet [REDACTED] was given Article 15 for not coming in to study when Sgt. [REDACTED] wanted him to in addition to other restrictions. Per Major [REDACTED] - sleeping on the job was an automatic Article 15. There was an investigation started by MEO on this issue but nothing was done. [REDACTED] was told the

investigation was discontinued on the floor because they said the Commander was African American.

9) Then when [REDACTED] out-processed, he was not given any information on when, where or if he would receive his regular pay, separation pay, leave or travel pay. He has yet, as of this date, to receive any money from the Air Force. He was just released without any money at all. He has inquired about this but it seems like this is an issue no one wants to address. We spoke with Sgt. [REDACTED] in Separations around 9/06/02. He told us that [REDACTED] was still listed as active and said he had to take the paperwork down to the finance office. The Sgt. called us back and stated that [REDACTED] money would be deposited in his account 9/13. It wasn't. So [REDACTED] contacted them and he was told that he had to contact the finance office at Scott AFB. So he did. He spoke with Sgt. [REDACTED] who informed him that he would receive his check the next week. And he didn't. So he contacted her again and she informed him that his paperwork went to Denver and that the Head Quarters in Denver would send him a check. But she did not know when it would be sent. **He has yet to receive this check!** This does not sound like something THE UNITED STATES AIR FORCE support. Surely the United States Air force would not just put him out with no resources. But they did. We are truly disappointed in this branch of the armed forces

There are many people including retired military officers that commended [REDACTED] for a job well done. Some of these same people knew he had been treated unfairly. Sgt. [REDACTED] tried to help [REDACTED] when he got there but everything was too far-gone. He is the recent Flight NCOIC supervisor over Sgt. [REDACTED]

We will be in your area during Oct. 28, - Nov. 1st. We are requesting a meeting with you during this time. We would also like to invite some of the nurses and co-workers [REDACTED] worked with to be present at this meeting.

[REDACTED] is working on a hard copy of character references and copies of patient feed back forms. He intends to file a complaint with the Inspector General's office with our complete support.

Our son's military career was undermined. And we would like the Article 15 expunged from his record with pertinent documentation to this effect, along with an Honorable Discharge. We feel that it is essential that we meet with you. Please let us know what time is convenient for you to discuss these concerns.

Letter to Col. [REDACTED]

09/29/02

Page 4

Your prompt attention to this is appreciated. We look forward to a conference with you.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

Brunswick, GA 31525

(912) [REDACTED] Home

(912) [REDACTED] cell

Email Address: [REDACTED]

Copy to: Colonel [REDACTED]
[REDACTED] Scott AFB
U.S. Sen., Max Cleland
OCR

MEMORANDUM FOR AIC [REDACTED]

FROM: 375 MSGS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure to progress in on-the-job training. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.26.3. If my recommendation of discharge is approved, your service may be characterized as Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are:

a. On or about 27 Sept 01, you scored 34 percent on your Career Development Course (CDC) exam. The minimum passing score was 65 percent. As a result, you failed your examination. This was your first CDC failure (Atch 1/A).

b. On or about 25 Feb 02, you scored 63 percent on your CDC Exam. The minimum passing score was 65 percent. As a result, you failed your examination. This was your second CDC failure (Atch 1/B).

3. Other Derogatory Data:

a. On or about 6 Apr 01, you failed to report to a scheduled appointment with a supervisor to drop off your final volume of CDCs. For this offense you received a memorandum of corrective counseling, dated 11 Apr 01 (Atch 1/C).

b. On or about 8 Apr 01, you were unreachable for over a twenty-four hour period due to your failure to update the recall roster with your cell phone number. For this offense you received a memorandum of corrective counseling, dated 11 Apr 01 (Atch 1/D).

c. On or about 27 Sep 01, you switched your schedule without the approval of an NCOIC. Additionally, you claimed that your commander made the pencil changes on the schedule, when your commander never knew they were taking place. In addition to this, you arrived for duty in civilian clothes, knowing this was not allowed. Furthermore, you took twenty minutes to pick up your uniform and went to the ORM briefing on duty time knowing that you had the prior two days off to attend this, along with knowing that you had your CDC test on the last day of the mandatory briefing. For these offenses you received a Record of Individual Counseling, dated 28 Sep 01 (Atch 1/E).

d. On or about 9 Oct 01, you failed to return to duty after a flag football game scheduled during your lunch break.

e. On or about 10 Oct 01 you reported an oral surgery appointment which prevented you from meeting a commitment in the flight. This appointment was later determined to be false. However, had the appointment been valid, you were instructed to return to duty following the appointment, and you failed to do so. Also on this date you failed to report to work for mandatory supervised study and neglected to contact your supervisor or duty section. For this offense and the offense listed in paragraph 2d-2e, you received a Letter of Admonishment dated 12 Oct 01 (Atch 1/F).

f. On or about 16 Nov 01, you had a mandatory dental appt to which you failed to attend. For this offense, you received a Record of Individual Counseling, dated 19 Nov 01 (Atch 1/G).

g. On or about 17 Nov 01 and on or about 18 Nov 01, you failed to report for mandatory study. For this offense you received a Record of Individual Counseling, dated 19 Nov 01 (Atch 1/H).

h. On or about 20 Nov 01, you failed to report for mandatory study. Additionally, after rescheduling the study session, you also failed to report at the rescheduled time because you had fallen asleep. For these offenses you received a Record of Individual Counseling, dated 26 Dec 01 (Atch 1/I).

i. On or about 21 Dec 01, you were put on forty-eight hour quarters during which time you were unable to be located either by telephone or by visits to your dorm room. For this offense you received a Record of Individual Counseling, dated 26 Dec 01 (Atch 1/J).

j. On or about 26 Dec 01, you reported for duty forty minutes late. For this offense you received a Record of Individual Counseling, dated 26 Dec 01 (Atch 1/K).

k. On or about 07 Jan 02, you were given a lawful order by your supervisor to report to her no later than 14 Jan 02, by e-mail, telephone or letter regarding issues that may have a negative impact on your career. As of 16 Jan 02 you had not obeyed the order. For this offense you received a Letter of Reprimand, dated 17 Jan 02 (Atch 1/L).

l. On or about 16 Jan 02, your haircut was out of regulation. For this offense you received a Record of Individual Counseling, dated 16 Jan 02 (Atch 1/M).

m. On or about 1 Feb 02 and on or about 11 Feb 02, you, without authority, failed to go at the time prescribed to your appointed place of duty. For this offense you received nonjudicial punishment dated 27 Feb 02 (Atch 1/N).

4. 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. 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.

5. 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 with the Area Defense Counsel, Building 7, Scott AFB, IL, DSN 576-3246 on 11 Jul 02 at 1515 hrs. You may consult civilian counsel at your own expense.

6. You must report to the 375th Medical Group, Physical Examinations Section with your medical records for a doctor to determine if further action is required.

7. You will report before close of business tomorrow (or the next duty day) to the Transportation Management Office (TMO), building P-10, Outbound Assignments, to complete a Scott Air Force Base Form 241/Personal Property Appointment Sheet. That worksheet must be completed and returned to TMO within 5 days.

8. You will call before close of business tomorrow (or the next duty day) to Special Actions at, military pay, Bldg P-10, to make arrangements concerning your military pay.

9. 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 duty days of your receipt of this letter unless you request and receive an extension for good cause shown. I will send them to the separation authority.

10. 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.

11. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFI 36-3208. A copy of AFI 36-3208 is available for your use in the squadron orderly room.

 Lt Col, USAF
Commander

Attachments:

1. Supporting Documentation
2. Airman's Acknowledgement