

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██	GRADE A1C	AFSN/SSAN ████████████████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A94.05	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 14 Jan 2004	CASE NUMBER FD-2003-00416	
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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

INDORSEMENT **DATE: 01/14/2004**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00416

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.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received a General Discharge for Unsatisfactory Performance, specifically, failure to progress in On-the-Job Training. She received a General Discharge due to the associated misconduct. The record indicated the applicant received one Letter of Reprimand and six Records of Individual Counseling for inattentive driving without a valid driver's license, disobeying a direct order twice, disrespect to a supervisor, disrespect by questioning the integrity of a supervisor, being late for work and for unprofessional behavior. The DRB opined that through these administrative actions, the applicant had ample opportunities to change her negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. 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

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 10 Aug 00 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Performance - Failure to Progress in On-the-Job Training). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 19 Oct 78. Enlmt Age: 19 0/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-41, E-38, G-42, M-13. PAFSC: 3A031 - Information Management Apprentice. DAS: 1 Aug 98.

b. Prior Sv: (1) AFRes 7 Nov 97 - 24 Mar 98 (4 Months 18 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 25 Mar 98 for 4 yrs. Svd: 2 Yrs 4 Mos 17 Das, all AMS.

b. Grade Status: A1C - 25 Jul 99
AMN - 25 Sep 98

c. Time Lost: None.

d. Art 15's: None.

e. Additional: RIC, 17 FEB 00 - Unprofessional behavior.
RIC, 14 OCT 99 - Late for work.
RIC, 14 OCT 99 - Disrespect by questioning the integrity of supervisor.
RIC, 27 AUG 99 - Disobeying an order.
RIC, 09 AUG 99 - Disrespect to supervisor.
RIC, 18 JUN 99 - Disobeying a direct order.
LOR, 19 MAR 99 - Inattentive driving without a valid driver's license.

f. CM: None.

g. Record of SV: 25 Mar 99 - 24 Nov 99 Shaw AFB 3 (Initial)

(Discharged from Shaw AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (4) Das
TAMS: (2) Yrs (4) Mos (17) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 20 Aug 03.
(Change Discharge to Honorable)

Issues: My discharge was inequitable because I learned better doing hands on work and I never recieved (sic) proper training on how to do my job correctly. When I ask (sic) for help from my supervisor I only recieved (sic) training from another Airman in my office, If I did something wrong or made a mistake I was just given a diffrent (sic) duty that my supervisor thought was easier and never corrected on my mistakes. At the time of my discharge I was under a huge amount of stress with work and my personal life and that made it harder for me to concentrate.

ATCH
None.

17 Oct 03/cr



DEPARTMENT OF THE AIR FORCE
20th FIGHTER WING (ACU)
SHAW AIR FORCE BASE, SOUTH CAROLINA

FD2003-00416

20 Feb 00

MEMORANDUM FOR AIC [REDACTED]

FROM: 79 FS/CC
706 Fighting Falcon Street
Shaw AFB SC 29152-5046

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 5.26.1. If my recommendation is approved, your service will be characterized as general or honorable. I am recommending that your service be characterized as honorable.

2. My reasons for this action are:

a. On or about 8 Nov 99, you failed to pass your first Career Development Course (CDC) end-of-course examination. The minimum passing score was 65. Your score was 52, as evidenced by Report of Course Examination, dated 8 Nov 99.

b. On or about 1 Feb 00, you failed to pass your second CDC end-of-course examination. The minimum passing score was 65. Your score was 53, as evidenced by Report of Course Examination, dated 4 Feb 00. You were withdrawn from upgrade training on 6 Jun 00.

3. In addition to the above-listed basis for this action, your file reflects the following misconduct:

a. On or about 16 May 99, you were involved in a traffic accident at the Hospital Gate. Further investigation of the accident disclosed that you were illegally driving without a valid driver's license. For this misconduct, you received a letter of reprimand (LOR), dated 19 May 99.

b. On or about 15 Jun 99, you disobeyed a direct order to have a male escort with you at all times when leaving your TDY hotel premises. For this misconduct, you received a letter of counseling (LOC), dated 18 Jun 99.

c. On or about 9 Aug 99, you were disrespectful towards your supervisor, a non-commissioned officer. For this misconduct, you received a LOC, dated 9 Aug 99.

d. On or about 26 Aug 99 and 27 Aug 99, you were found playing games on a government computer and not studying your CDCs. For this misconduct, you received a LOC, dated 27 Aug 99.

e. On or about 14 Oct 99, you were disrespectful towards your supervisor, a non-commissioned officer. For this misconduct, you received a LOC, dated 14 Oct 99.

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f. On or about 14 Oct 99, you failed to arrive at your place of duty at the prescribed time. For this misconduct, you received a LOC, dated 14 Oct 99.

g. On or about 16 Feb 00, you behaved unprofessionally by shouting and physically hitting another airman in your squadron while on duty. For this misconduct, you received a LOC, dated 17 Feb 00.

4. 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, 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.

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 Capt [REDACTED], Area Defense Counsel, at 895-9530, on 21 Jul 00, at 1400 hours. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me within three duty days after receipt of the notification memorandum unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You have been scheduled for a medical examination. You must report to the Shaw AFB Hospital, Physical Examinations Section, on 24 Jul 00, at 1330 hours for a medical examination.

9. 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.

10. The Air Force is entitled to recoup a portion of educational assistance, special pay, or bonus monies which you received, if any, if you separate before completing the period of active duty you agreed to serve. This recoupment applies whether you voluntarily separate or are involuntarily separated. Recoupment will apply regardless of the basis for involuntary discharge. The recoupment in all cases is an amount that bears the same ratio to the total cost provided to you as the unserved portion of active duty bears to the total period of active duty you agreed to serve. If you dispute that you are indebted for educational assistance, a board or other authority will make findings and recommendations concerning the validity of the indebtedness.

FD2003-00416

11. Execute the attached acknowledgment and return it to me immediately.

 Lt Col, USAF

Commander

Attachments:

1. Report of Course Examination, 8 Nov 99
2. Report of Course Examination, 4 Feb 00
3. AF Forms 623a
4. Training Status Code "T" Request, 6 Jun 00
5. LOR, 19 May 99
6. LOC, 18 Jun 99
7. LOC, 9 Aug 99
8. LOC, 27 Aug 99
9. LOC, 14 Oct 99
10. LOC, 14 Oct 99
11. LOC, 17 Feb 00
12. Receipt of Notification