

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

A1C

TYPE GEN

PERSONAL APPEARANCE

X

RECORD REVIEW

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  
A01.13  
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

08 Jan 2004

CASE NUMBER

FD-2003-00493

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

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-2003-00493**

**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 1. Applicant received a general discharge for unsatisfactory performance. He failed his Career Development Course End of Course exam twice and failed to weapons qualify on the M-16 and M-9 as is required in the Security Forces career field. Applicant infers discharge was inequitable because it was too harsh. The records indicated the applicant also had documented misconduct and had received a Letter of Reprimand, a Letter of Counseling, and a Letter of Admonishment. His misconduct included failure to go, a verbal altercation and communicating a threat to another Air Force member, failure to obey an order, a domestic disturbance, and hostile behavior toward a Security Forces member, to include verbal threats. Applicant had two Enlisted Performance Reports (EPRs), one rated an overall "3" and the other a referral "2." These EPRs disclosed member's lack of dedication and initiative and the requirement to constantly supervise him. The DRB noted that the reason for discharge was Unsatisfactory Performance in accordance with AFI 36-3208, paragraph 5.26.3. This reason pertains to individuals who fail to upgrade in a timely manner or as is in this case, failed to pass their Career Development Course exam twice. The Board concluded the reason for the discharge received by the applicant was appropriate. The DRB further opined that through the unit's administrative actions, the applicant had ample opportunities to change his negative behavior but was either unwilling or unable to do so. The Board concluded applicant's misconduct was a significant departure from conduct expected of all military members. Therefore, the characterization of the discharge received by the applicant was also found to be appropriate.

Issue 2 applies to the applicant's post-service activities. The DRB was pleased to see that the applicant was doing well and has a good job. However, this does not provide a basis for upgrade.

Issue 3. Applicant infers he should not be penalized indefinitely for a mistake he made when young. The DRB noted applicant was 23 years old when discharged. There is no evidence he was immature or did not know right from wrong. The Board opined the applicant was as old as the majority of first-term members who properly adhere to the Air Force's standards of conduct.

Issue 4. The applicant inferred he was told his discharge would be upgraded in 6 months. The DRB noted this common issue, the result of miscommunication. While a discharge may be upgraded after 6 months, an upgrade is not automatic. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

**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

FD2003-00493

MISSING MEDICAL RECORDS  
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 15 Mar 02. UP AFI 36-3208, para 5.26 (Unsatisfactory Performance). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 30 Jan 79. Enlmt Age: 20 10/12. Disch Age: 23 1/12. Educ: HS DIPL. AFQT: N/A. A-45, E-33, G-39, M-09. PAFSC: 3P031 - Security Forces. DAS: 5 Jun 00.

b. Prior Sv: (1) AFRes 8 Dec 99 - 4 Jan 00 (28 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AMN 5 Jan 00 for 6 yrs. Svd: 2 Yrs 2 Mos 11 Das, all AMS.

b. Grade Status: A1C - 18 Feb 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 22 JAN 02 - Domestic disturbance, and verbally threatening and hostile to a security force member.

CDC Report, 11 Oct 01 - Second time CDC failure.

LOA, 30 MAR 01 - Involved in a verbal altercation, communicating a threat to another Air Force member, and failure to obey an order.

AF Forms 522, 9 Nov 00 thru 27 Nov 01 - Failure to progress and qualify in weapons training.

LOC, 20 OCT 00 - Late for work.

f. CM: None.

g. Record of SV: 05 Jun 00 - 15 Aug 01 Laughlin AFB 3 (Dir by HAF)  
16 Aug 01 - 28 Jan 02 Laughlin AFB 2 (Dir by Cmdr (REF))

(Discharged from Laughlin AFB)

h. Awards & Decs: AFTR, SFB.

i. Stmt of Sv: TMS: (2) Yrs (3) Mos (8) Das  
TAMS: (2) Yrs (2) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 22 Oct 03.  
(Change Discharge to Honorable)

Issue 1: I was told after six months by MSgt [REDACTED] I would be eligible for reenlistment. Also, I've been out for over a year working as a correction officer and staying out of trouble with a good record. I believe that everyone deserves a second chance to prove themselves to be a addition to the military. Due to the fact I never received a UIF or Article 15 or anything that showed I couldn't be a good airman.

**ATCH**  
None.

18 Nov 03/cr



4 March 2002

MEMORANDUM FOR AIRMAN FIRST CLASS [REDACTED]

FROM: 47 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance. The authority for my recommendation is AFPD 36-32 and AFI 36-3208, paragraph 5.26. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 4 April 2001, 11 April 2001, 12 April 2001 and on 4 June 2001, you failed to qualify on the M-16 course.

b. On 28 November 2000, 4 April 2001, 18 October 2001, 5 November 2001 and on 21 November 2001, you failed to qualify on the M-9 course.

c. On 6 September 2001, you failed your end of course exam (for your career development course) with a score of 54 percent.

d. On 10 October 2001, you failed the retest with a score of 64 percent.

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 will probably be denied enlistment in any component of the armed forces.

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 Captain [REDACTED], Area Defense Counsel, Goodfellow AFB, TX at DSN 477-5070, on 4 March 2002 at 1330. 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 by 7 March 2002 at 1300, unless you request and receive an extension for good cause shown. I will send them 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 Physical Exams Section, 47<sup>th</sup> Medical Group on 5 March 2002 at 1400 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 unit orderly room.



Major, USAF  
Commander

Attachments:

1. AF Form 522 from 9 Nov 00 through 11 April 01
2. AF Form 522 for 12 Apr 01
3. AF Form 522 for 25 May 01
4. AF Form 522 from 4 Jun 01 through 12 Jun 01
5. AF Form 522 for 18 Oct 01
6. AF Form 522 from 5 Nov 01 through 27 Nov 01
7. Memo by SMSgt [redacted] 23 Jan 02
8. Student History Query, 12 Feb 02
9. CDC post-test questionnaire