

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	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 03 Feb 2004	CASE NUMBER FD-2003-00522	
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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: 02/04/2004
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

GENERAL: The applicant appeals for changing the reason for the discharge.

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: Change of reason is denied.

ISSUE: Applicant contends the reason for his discharge was inequitable. The records indicated the applicant received an Honorable discharge and the reason for discharge was for unsatisfactory performance due to twice failing his CDC exam. The applicant states that his reason for separation should be "Career Development Course (CDC) Failure". Airmen are subject to discharge for unsatisfactory performance based on documented failure to meet Air Force standards. Failure to progress in OJT (CDC courses), failure to perform assigned duties properly, a progressively downward trend in performance ratings, failure to demonstrate the qualities of leadership required by the member's grade and a few other are all grouped under the heading of unsatisfactory performance. The narrative reason for the discharge received by the applicant was found to be appropriate.

CONCLUSIONS: The Discharge Review Board concludes that the discharge and narrative reason 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 changing the reason for discharge.

Attachment:
Examiner's Brief

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

[REDACTED]
(Former SRA) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 27 Mar 02 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-the-Job Training). Appeals for Change to Reason for Disch.

2. **BACKGROUND:**

a. DOB: 31 Dec 80. Enlmt Age: 18 4/12. Disch Age: 21 3/12. Educ:HS DIPL. AFQT: N/A. A-85, E-58, G-53, M-55. PAFSC: 2A733 - Aircraft Structural Maintenance. DAS: 14 Feb 00.

b. Prior Sv: (1) AFRes 19 May 99 - 27 Jul 99 (2 Months 9 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as A1C 28 Jul 99 for 4 yrs. Svd: 2 Yrs 7 Mos 28 Das, all AMS.

b. Grade Status: SRA - 28 Nov 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: REPORT OF CDC EXAM, 05 NOV 01 - CDC failure.
REPORT OF CDC EXAM, 16 JUL 01 - CDC failure

f. CM: None.

g. Record of SV: 28 Jul 99 - 5 Feb 01 Pope AFB 5 (Dir by HAF)
06 Feb 01 - 5 Feb 02 Pope AFB 4 (Annual)

(Discharged from Pope AFB)

h. Awards & Decs: AFTR, AFOUA.

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (9) Das
TAMS: (2) Yrs (7) Mos (28) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 27 Nov 03.
(Change Reason for Discharge)

ISSUES ATTACHED TO BRIEF

ATCH

1. Applicant's Issues.
2. Character Reference.
3. Enlisted Performance Reports.
4. Training Documents.

12 Dec 03/cr

From: [REDACTED]
[REDACTED]
Brunswick, GA 31525

To: SAF/MIBR
550 C Street West Suite 40
Randolph AFB, TX 78150-4742

Subject: APPLICATION FOR THE REVIEW OF DISCHARGE OR
DISMISSAL FROM THE ARMED FORCES OF THE UNITED STATES

Date: 3 October 03

Re: [REDACTED] Brunswick, GA, 31525

ISSUE

A1C [REDACTED] was separated from the Air Force on 27 March 2002. The stated narrative reason for his separation was "unsatisfactory performance". However, a review of his records reveals that he was actually separated for failure to pass the CDC. Therefore we respectfully request change of the narrative reason for separation to "Career Development Course (CDC) Failure".

ANALYSIS

While it can be argued that not passing the CDC impacted the performance of his duties, we believe that his records and also extenuating circumstances, which shall be addressed herein, prove differently. After reviewing his records, there were not any instances therein to corroborate the documented narrative reason for separation was indeed, unsatisfactory performance.

We are especially concerned because use of the term unsatisfactory performance, could lead some to believe that A1C [REDACTED] was lazy, incapable of performing, uncooperative and/or unconcerned about his job. None, of these were the case in this instance. We present this "Issue" in accordance with DD Form 293 sec. 6, on the facts as represented by A1C [REDACTED] official USAF training records, EPR's, and VRE's/URE's. All of the referenced documents indicate that he was a superior worker who was highly thought of by his superiors and recognized for doing a superior job.

EPR Evidence

A comprehensive review of his performance records (DD Form 293, Document # 2, EPR's for 2001 and 2002, attached), disclosed that [REDACTED] over all EPR for 2001 was superior in all categories. To continue, his 2002 rating was superior in all categories except for "complying with training", in which he received a "complies with most training requirements". Additionally, we present as evidence, Additional Rater comments from his Feb 2002 EPR, given by MSgt [REDACTED], Aircraft

Structural Maintenance Superintendent approximately one month prior to his separation on 27 Mar 2002, as well as comments by his supervisor, SSgt [REDACTED] Aircraft Structural Maintenance Craftsman on his job performance strengths:

MSgt [REDACTED] (DD Form 293, section 7, Document # 2, EPR for 2002, dated 06 Feb 2001 thru 05 Feb 2002, Additional Rater Comments);

- Strong integrity traits; technical competence and powerful desire to achieve are evident in job enthusiasm
- Showed solid mechanical skill and agility in the repair of a cracked A-10 leading edge slat rib T-bracket
 - Proficiently hand-formed and machined bracket; completed task 12 hours ahead of projected schedule
- Demonstrated exceptional skills in repair of a severely cracked C-130E aircraft elevator lower skin panel
 - Aggressively fabricated and installed new aluminum skin panel; restored structural integrity of elevator
- Talented and enthusiastic performer who effortlessly manages task; ready for promotion

SSgt [REDACTED], (DD Form 293, section 7, Document # 3, CDC Failure Assessment Package, 24 Sept 01, page 4, para. J); "Some of A1C [REDACTED] strengths would be; attention to detail, structural repair techniques, and applications; and a sense of urgency in general aircraft maintenance".

Training (Evidence of Job Knowledge)

The EPR and associated evidence shows that actual job performance was not the problem. However his 2002 EPR disclosed a training problem associated with passing the CDC examination, not on job knowledge and performance of his job. This is evidenced by the fact that his Commander recommended the CDC be waived because of recommendations from his training managers and superiors relative to his job knowledge and performance. (DD Form 293, Document # 3, CDC Failure Assessment Package, 24 Sept 01, Commanders Comments (section), page 7). To continue, SSgt [REDACTED], his supervisor and MSgt [REDACTED] his Unit Training Manager stated, re: A1C [REDACTED] relative to how to improve his score and knowledge of the material:

SSgt [REDACTED] (DD Form 293, section 7, Document # 3, CDC Failure Assessment Package, 24 Sept 01, Supervisor (section), para. ~~4~~ ¹⁴ page 4); "A1C [REDACTED] "should relax when testing so he won't feel so pressured. He has the knowledge, just relax and apply it"!

MSgt [REDACTED] (DD Form 293, section 7, Document # 3, CDC Failure Assessment Package, 24 Sept 01, Unit Training Manager (section), para. ~~4~~ ⁵ d, page 5); "His superiors have expressed, on paper and verbally, that A1C



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE, NORTH CAROLINA

19 MAR 02

MEMORANDUM FOR SRA [REDACTED] 43 MXS

FROM: 43 MXS/CC
286 Fortress Street
Pope AFB NC 28308

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance, specifically, failing to progress in on-the-job training. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.26.3. The service of airmen discharged for unsatisfactory performance will be characterized as honorable or general. If my recommendation is approved, your service will be characterized as honorable.
2. My reason for this action is your failures on your end-of-course examinations. You initially failed this exam on or about 11 Jul 01. You received a score of 54% and, failed to achieve the minimum passing score of 65%. After this failure you were briefed on the importance of passing your exam the second time. Nonetheless, on or about 31 Oct 01 you failed this exam a second time by scoring 56%. These two failures are documented by two reports of course examination dated 16 Jul 01 and 5 Nov 01, respectively.
3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises Special Court Martial (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.
4. **You have the right to consult counsel. Military legal counsel has been obtained to assist you. Contact SSgt [REDACTED] (extension 4-2362) at the Area Defense Counsel's office immediately after being served with this notification memorandum. At that time an appointment will be scheduled for you to consult Capt [REDACTED] the Area Defense Counsel. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.**

5. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 22 MAR 02 at 0800 hrs 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 in **three duty days**, your failure will constitute a waiver of your right to do so.

7. **You have been scheduled for a physical examination. Report to Pope Medical Clinic, Dr. [REDACTED] on 20 Mar 02 at 0945 hours. In addition, report to Physical Exams/Lab ASAP for HIV screening.**

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 at the orderly room.

[REDACTED] Major, USAF
Commander

Attachments

1. Report of Course Examination, dated 16 Jul 01
2. Report of Course Examination, dated 5 Nov 01
3. First CDC Failure Assessment Worksheet (7 pages)
4. Second CDC Failure Assssment Worksheet (6 pages)
5. Memoradum from 43 MXS/CC, dated 17 Dec 01 (2 pages)