

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████		GRADE SRA	AFSN/SSAN ████████████████			
TYPE HON	PERSONAL APPEARANCE	X	RECORD REVIEW			
NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		TYPE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES A49.00	INDEX NUMBER A93.03 A93.09 A94.05	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 11 Feb 2004	CASE NUMBER FD-2003-00532					
APPLICANT'S ISSUE AND THE BOARD'S DECISION ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISION IS FORMAL						
<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: 100px; width: 100%; margin-top: 20px;"></div>						
TO:		DATE: 2/11/2004				
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-2003-00532

GENERAL: The applicant appeals to change the reason and authority for the discharge, and to change his reenlistment code.

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 and authority for the discharge, and change of reenlistment code are 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 requests that the reason (unsatisfactory performance) for his discharge be changed. Applicant concludes that he should not be labeled with "unsatisfactory performance." The DRB opined that the reason for discharge was in fact unsatisfactory performance, in accordance with AFI 36-3208, paragraph 5.26.3, failure to progress in on-the-job training (OJT). This reason includes individuals who fail to upgrade in a timely manner those who twice failed to pass their Career Development Course (CDC) exam. Changing the reason for discharge would only be appropriate when it would serve the best interests of the Air Force and the discharge for cause is not warranted. The Board concluded the reason for the discharge received by the applicant was appropriate.

Issue 2. Applicant contends discharge was inequitable because it was too harsh in view of his administrative demotion for the same reasons. The records indicated the applicant was properly notified of and acknowledged the reason for his discharge. He was also entitled to have his case heard by an administrative discharge board but waived that right conditioned on receipt of an honorable discharge. That request was granted. Therefore this issue is without merit.

Issue 3. Applicant infers that his discharge did not take into account the good things he did while in the service. The DRB took note of the applicant's duty performance as documented by his performance reports, letters of recommendation and other accomplishments. However, applicant's inability to pass his CDC exams and be upgraded in his career field offset the positive aspects of the applicant's duty performance. Thus, the Board concluded the discharge was appropriate for the reason that was its basis.

Issue 4 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 constitute an inequity or impropriety in his discharge that would suggest a basis for changing the discharge.

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

(Former SRA) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF 5 Mar 02 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance). Appeals for Change of RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 13 Apr 75. Enlmt Age: 18 1/12. Disch Age: 26 10/12. Educ: HS DIPL. AFQT: N/A. A-51, E-44, G-37, M-53. PAFSC: 2A353A - Tactical Aircraft Maintenance Apprentice. DAS: 23 Feb 99.

b. Prior Sv: (1) AFRes 28 May 93 - 10 Apr 94 (10 months 14 days) (Inactive).

(2) Enlisted as AB 11 Apr 94 for 4 yrs. Svd: 3 yrs 4 months 20 days, all AMS. AMN - 11 Oct 94. A1C - 11 Aug 95. SrA - 11 Apr 97. EPRs: 4,4.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SrA 1 Sep 97 for 4 yrs. Extended 9 Jul 98 for 6 months. Svd: 4 Yrs 6 Mo 4 Das, all AMS.

b. Grade Status: SrA - 18 Dec 01 (Administrative Demotion)
SSgt - 1 Dec 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MEMO, 10 OCT 01 - Second CDC examination failure.
MEMO, 23 MAY 01 - First CDC examination failure.
LOR, 26 APR 00 - Dereliction of duty.

f. CM: None.

g. Record of SV: 01 Oct 96 - 30 Sep 97 Seymour Johnson AFB 5 (Annual)
01 Oct 97 - 30 Sep 98 Seymour Johnson AFB 5 (Annual)
06 Jan 99 - 05 Jan 99 Kadena AB 5 (Annual)
06 Jan 00 - 05 Jan 01 Kadena AB 5 (Annual)
06 Jan 01 - 03 Dec 01 Kadena AB 3 (Cmdr Dir)REF

(Discharged from Kadena AB)

h. Awards & Decs: AFAM, AFLSAR, AFTR, AFOSLTR W/1 DEV, NDSM, NCOPMER, AFEM W/1 DEV, AFOUA W/1 DEV, AFGCM W/1 DEV.

i. Stmt of Sv: TMS: (8) Yrs (9) Mos (6) Das
TAMS: (7) Yrs (10) Mos (23) Das

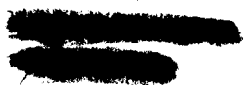
4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 6 Oct 03
(Change RE Code, Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 214.
3. DD Form 149.

18DEC03/ia



October 6, 2003

Hello members of the Board, it is my desire that the Discharge Review Board reviews my personnel records and finds that the decision to demote and subsequently discharge me from the US Air Force was an extreme and somewhat retaliatory action. Below are a few issues I'd like to discuss:

Initially, I asked about denying the 7 level test but was told that since I agreed to sew on Staff Sergeant, then I had to maintain a grade commensurate of my rank. Therefore, I had to take and pass the 7 level Career Development Course (CDC). I refuse to believe that this was my only option in the matter; however, my ignorance on that particular policy is no excuse for my failure to progress. In retrospect, I do realize that I took the End of Course (EOC) exam and twice failed. As a result, it is easier for me to accept the demotion as a justifiable disciplinary action than for me to concur with the one-two punch of demotion and discharge based upon "Unsatisfactory Performance." My entire Air Force career is forever branded as "unsatisfactory," and because of the codes that accompany this ruling, I am unable to transfer my skills and training to the AE Reserves. I simply do not agree with this ruling being permanently etched onto my DD214.

Surely, there were other avenues such as a waiver, which would have allowed me to separate on my original ETS date and not have to wait to be forced out a month later. Also, had I expressed a desire to remain in the Air Force, I feel my command would have worked with me with other options such as retraining. That being said, my command chose to pursue my disciplinary action to the fullest extreme (perhaps to use me as an example) simply because I decided to separate and was more focused on adjusting to life as a civilian. Now on to some of the issues concerning why I failed to adequately study the CDC's.

I would like to discuss was the workload we were subjected to in the 67th Fighter Squadron Inspection Section. At the time I received my CDC's, I and other members of the inspection team became increasingly discouraged at the growing population of severely over-flown aircraft awaiting maintenance. Times were so tough then, that the flight line was finally forced to hold aircraft down because the multiple waivers to fly them had already been exhausted. As a result, in order to compensate for the aircraft being backed up, the phase crew management team extended our work schedule. This new schedule consisted of six months straight of twelve hour shifts, working six days a week just to keep up. Despite this extended schedule, even the future looked grim as the squadron continued to over fly the aircraft. It got to the point where the Air Force had to contract out a team of civilians to come in and help us with the phase flow. During that time, I can recall being so physically and emotionally drained that by the time I'd get back to my dorm room, the last thing on my mind was studying CDC's. Try as I may, it was difficult to stay motivated under those circumstances. I wasn't the only airman with testing problems during this time. In fact, I have heard that the two fighter squadrons on Kadena, the 67th and the 44th, at one time led the Air Force in CDC failures. Maybe this

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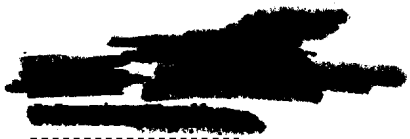
is why my commander chose such a severe penalty for me, as he began his campaign to improve the image of his squadron.

In closing, I would just like for the Board to perform a thorough review of my personnel files. By doing this, I hope that you will find that throughout my brief military career, I have managed to stay out of significant trouble and to obediently perform my duties – to include a no-notice deployment (Saudi 2000, as a fill-in, 3 month tour on a 5 hour notice).

All in all, I have no regrets, the Air Force overall was a good experience. My travels with the Air Force have allowed me to experience things I would not have normally experienced while living in Alamogordo, NM. My military service has provided me the opportunity to understand a different culture and develop a passion for international concerns. Thanks to my time in the Air Force, I am currently able to work an excellent paying job, remain in Okinawa, and use my GI Bill to finish up an undergraduate degree in Asian Studies. And, once this degree is complete, I will be moving on to a Master's program, and subsequent career in International Relations, which will ultimately include the Foreign Service Exam for the Department of State. All of these things are expressed in gratitude to my tenure in the US Air Force. However, I cannot be truly satisfied until my DD214 remains consistent with such positive occurrences.

Please remove the "Unsatisfactory Performance" as a reason for separation, as well as the negatively impacting separation and reentry codes.

Thank you for your time and consideration.


October 6, 2003



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

31 Jan 02

MEMORANDUM FOR SRA [REDACTED]

FROM: 67 FS/CC

SUBJECT: Notification Memorandum – Board Hearing

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance-Failure to Progress in On-the-Job Training. The authority for this action is AFPD 36-32, AFI 36-3208, paragraph 5.26.3, and AFI 36-2201, Attachment 3. If my recommendation is approved, then your service will be characterized as either honorable or under honorable conditions (general). I am recommending that your service be characterized as honorable.
2. My specific reasons for this action are:
 - a. On or about 16 May 01, you received notification that you failed your Career Development Course (CDC) examination with a score of 29; the minimum passing score is 65. As a result, I conducted an interview with you and your supervisor, to address your strengths, study habits, and preparation for the CDC exam (Tab 1-1).
 - b. On or about 21 Sep 01, you received notification that you failed your CDC examination for the second time with a score of 41; the minimum passing score is 65. As a result, you were placed in Training Status Code "T" on 9 Oct 01. Additionally, you received notification of a demotion action on 31 Oct 01 (Tab 1-2).
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.
4. You have the right to:
 - a. Consult legal counsel.
 - b. Present your case to an administrative discharge board.
 - c. Be represented by legal counsel at a board hearing.
 - d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
 - e. Waive the above rights. Before making a decision to waive any of your rights, you must consult legal counsel.
5. You have been scheduled for a medical examination. You must report to the Physical Examinations Section, 18th Medical Group, Kadena AB, at 0815 on 4 Feb 02.

6. Military legal counsel Capt [REDACTED] has been obtained to assist you. An appointment has been scheduled for you to consult with him/her on 1 Feb 2004 at the Area Defense Counsel at Building 1460. 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.
7. Confer with your counsel and, within seven (7) duty days, specify in a written reply, which of the above-referenced rights you chose to exercise. The statement must be signed in the presence of your counsel, who will also sign it. If you waive your right to a hearing before an administrative discharge board, then you may submit written statements on your own behalf. I will send the statements, the case file, and this recommendation to the discharge authority for consideration. If you fail to timely respond, then such failure will constitute a waiver of your right to have this matter presented before an administrative discharge board.
8. The Privacy Act Statement of 1974 covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use at the Area Defense Counsel office.
9. If you request a board and you fail to appear without good cause, then such failure constitutes a waiver of your right to be present at the hearing.
10. The discharge board or the discharge authority will make the findings and recommendations required under 10 U.S.C. 2005(g).
11. Execute the attached acknowledgment and return it to me immediately.

[REDACTED], Lt Col, USAF
Commander, 67th Fighter Squadron

Attachments:

1. Report of Course Examination, 16 May 01; CDC Failure Notification Memorandum, 23 May 01; CDC Failure Assessment Worksheet (Trainee); CDC Failure Assessment Worksheet (Supervisor); CDC Failure Assessment Worksheet (Commander's Interview); Reading Comprehension Report, 13 Jul 01.
2. Report of Course Examination, 28 Sep 01; CDC Failure Notification Memorandum, 10 Oct 01; AF Form 2096, 9 Oct 01; Notification of Demotion Action, 31 Oct 01; Supporting Memoranda.
4. Airman's Receipt of Notification Memorandum
5. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay or Bonuses