

# 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 <b>A1C</b>		AFSN/SSAN <div style="background-color: black; width: 100%; height: 15px;"></div>			
TYPE GEN		PERSONAL APPEARANCE			<b>X</b>	RECORD REVIEW			
COUNSEL YES      NO <div style="border: 1px solid black; width: 100%; height: 15px; text-align: center;">X</div>		NAME OF COUNSEL AND OR ORGANIZATION			ADDRESS AND OR ORGANIZATION OF COUNSEL				
MEMBER SITTING					VOTE OF THE BOARD				
					HON	GEN	UOTHC	OTHER	DENY
									X
									X
									X
									X
									X
ISSUES <b>A92.01</b> <b>A94.05</b>		INDEX NUMBER <b>A49.00</b>			EXHIBITS SUBMITTED TO THE BOARD				
					<b>1</b>	ORDER APPOINTING THE BOARD			
					<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE			
					<b>3</b>	LETTER OF NOTIFICATION			
					<b>4</b>	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 <b>21 May 2004</b>		CASE NUMBER <b>FD-2004-00095</b>							
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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; width: 100%; height: 50px; margin-top: 20px;"></div>									
INDORSEMENT					DATE: 5/21/2004				
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-2004-00095**

**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.

**ISSUES:**

Issue 1. Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received four Records of Individual Counseling and one verbal counseling. His misconduct included being late for work, traffic violation, unsatisfactory dress and appearance and unsatisfactory performance. The applicant also failed his end of course examination twice. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his 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.

Issue 2. Applicant states 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. The applicant had three referral reports, each with an overall marking of "2". All reports indicated that the member did not meet minimum training requirements, displayed poor attitude, lacked initiative, failed to meet dress and appearance standards and required constant supervision. The Board concluded the discharge was appropriate for the reasons that were the basis for this case.

Issue 3. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board noted that to receive the G.I. Bill, the applicant must have received an Honorable discharge. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety that would warrant an upgrade.

**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 Ellsworth AFB, SD on 4 Feb 93 UP AFR 39-10, para 5-26a(1) (Unsatisfactory Performance). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 10 Mar 71. Enlmt Age: 17 8/12. Disch Age: 21 10/12. Educ: HS DIPL. AFQT: N/A. A-63, E-67, G-59, M-57. PAFSC: 46230L - Apprentice Aircraft Armament Systems Specialist. DAS: 17 May 92.

b. Prior Sv: (1) AFRes 19 Nov 88 - 11 Sep 89 (9 months 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 12 Sep 89 for 4 yrs. Svd: 3 Yrs 4 Mo 24 Das, all AMS.

b. Grade Status: A1C - 12 Jan 91  
Amn - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: RIC, 21 JAN 93 - Unsatisfactory performance.  
RIC, 16 OCT 92 - Unsatisfactory Dress and Appearance.  
VBC, 30 SEP 92 - Traffic ticket for speeding.  
RIC, 11 JUN 92 - Late for work.  
RIC, 01 JUN 92 - Late for work.  
EOC, 27 FEB 91 - End of course examination failure.  
EOC, 18 FEB 91 - End of course examination failure.

f. CM: None.

g. Record of SV: 12 Sep 89 - 05 Jul 91 Misawa AB 2 (Initial) REF  
06 Jul 91 - 28 Feb 92 Misawa AB 2 (CRO) REF  
29 Feb 92 - 19 Nov 92 Ellsworth AFB 2 (Cmdr Dir) REF

h. Awards & Decs: AFGCM, NDSM, AFTR.

i. Stmt of Sv: TMS: (4) Yrs (2) Mos (17) Das  
TAMS: (3) Yrs (4) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 11 Mar 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

FD2004-00095

ATCH

1. Applicant's Issues.

8APR04/ia

March 22, 2004

To Whom It May Concern,

This letter is in further testimony as to the issue listed in item 8 on the attached Application for the Review of Discharge or Dismissal.


I received a "General" "Under Honorable Conditions" discharge from active duty Air Force on February 04, 1993 for the reason of unsatisfactory performance. I feel my discharge should be upgraded for the following reasons.

- I was physically and mentally able to perform the actual work required for my specific job as an aircraft armament systems specialist, which was always checked by a ranking NCO on duty.
- When I studied for the 46250 exam and took the practice test, I passed each one. I additionally answered questions asked by senior NCOs that would quiz me before the actual exam.
- Within my records, there should be reviews I had been given to support the fact that I could perform the tasks required for my job satisfactorily.
- Since my discharge from the Air Force, I successfully completed all classes and earned my Associates degree in Electronics at DeVry University in 1996. Shortly thereafter, I completed all requirements to earn my Microsoft Certified Systems Engineer (MCSE) certification.

I'm currently seeking my Bachelors degree in Technical Management at DeVry and have applied for the GI Bill to assist me in this endeavor. My application was recently denied due to the above mentioned discharge status. I believe my constructive efforts and performance during and after my time in the Air Force is worthy of a re-evaluation of my current discharge status, with an ultimate upgrade to Honorable.

Thank you for your time and consideration in this matter and I hope for a positive outcome.

Sincerely,





DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 28TH LOGISTICS GROUP (ACC)  
ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

FD2004-00010

FROM: 28 MS/CC

26 Jan 93

SUBJ: Notification Letter

TO: AIC [REDACTED] 28 MS

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance involving failure to perform assigned duties properly. The authority for this action is AFR 39-10, paragraph 5-26a (1). 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. Failure to perform assigned duties properly:

During the period of July 1992 to 21 Jan 93, you consistently failed to perform assigned duties properly. For these reasons, you were given a Letter of Counseling (LOC) on 21 Jan 93.

b. During the period from 29 Feb 92 to 19 Nov 92, you displayed a poor attitude, required constant supervision and lacked the self-initiative required to perform daily duties in an effective manner. For these reasons, you were given an EPR with an overall promotion recommendation of 2 on 19 Nov 92.

c. During the period from 6 Jul 91 to 28 Feb 92, you failed to meet training requirements by failing to pass your career development course end-of-course test twice. This resulted in your removal from training. For these reasons, you were given an EPR with an overall promotion recommendation of 2 on 28 Feb 92.

d. During the period from 12 Sep 89 to 5 Jul 91, you failed to maintain a constant level of performance, displayed a careless and indifferent attitude, and lacked the self-discipline to perform your duties properly. For these reasons, you were given an EPR with an overall promotion recommendation of 2 on 5 Jul 91.

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.

3. 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] at Bldg 1208 on 27 Jan 93 at 0830 hrs. You may

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consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statement you want the separation authority to consider must reach me by 29 Jan 93 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You are scheduled for a medical examination. You must report to the Base Hospital, Physical Exams Section at 0715 on 1 Feb 93 for the examination.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the orderly room.

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

  
Commander, 28 MS

Major, USAF

3 Atchs

1. Supporting documents
  - a. LOC - 21 Jan 93
  - b. EPR - 19 Nov 92
  - c. EPR - 28 Feb 92
  - d. EPR - 5 Jul 91
2. Other derogatory information
  - a. MFR - 11 Jan 93
  - b. LOC - 16 Oct 92
  - c. DD Form 1408 - 23 Sep 92
  - d. LOC - 11 Jun 92
  - e. LOC - 1 Jun 92
3. Airman's Receipt of Notification Ltr