

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

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

<b>MEMBER SITTING</b>	<b>VOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

<b>ISSUES</b> A94.05 A94.49	<b>INDEX NUMBER</b> A49.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<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	

<b>HEARING DATE</b> 28 Oct 2004	<b>CASE NUMBER</b> FD-2004-00174	
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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.

<b>INDORSEMENT</b>		<b>DATE: 10/28/2004</b>
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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-2004-00174**

**GENERAL:** The applicant appeals to change the reason and authority 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 and authority for 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 contends discharge was inequitable because it was too harsh. The records indicated the applicant was discharged for unsatisfactory performance after twice failing his Career Development Course (CDC) End of Course exam. Applicant notes that his second failure was only by one percentage point, and also that the set of CDCs which he had been studying had been rendered obsolete. While the record substantiates these points, it is also clear that the chain of command took them into consideration at the time of the discharge. The commander's initial plan after member's second failure was to request a retention waiver after allowing a period of time for member to certify in knowledge of the material, and demonstrate a grasp of the fundamentals of the career field. During that process, the commander stated member did not show improvement in his duty performance or job knowledge. His supervisor and flight commander did not have confidence in his ability to master the technical aspects of the material. They were also "continually disappointed by his lackadaisical approach to his duties" as was evidenced by two instances of being late for work after his second test failure. Based on "his current attitude and behavior toward his duties" the commander felt there was "no alternative to discharging him" from the Air Force. The DRB opined that through the unit's extensive supportive actions, the applicant had ample opportunities to succeed in his career field but failed to do so.

Issue 2. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, he signed a statement (DD Form 2366, on October 16, 2000) that he understood he must complete 36 months service to receive future educational entitlements, and that the funds he contributed could not be refunded. Applicant only served about 32 months on active duty, thus he was not eligible for the benefits. 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 warrants 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

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr Keesler AFB, MS on 2 Jun 03 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance). Appeals for a Change in Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 26 May 82. Enlmt Age: 18 2/12. Disch Age: 21 0/12. Educ: HS DIPL. AFQT: N/A. A-79, E-68, G-64, M-63. PAFSC: 1W31A - Weather Apprentice. DAS: 21 May 01.

b. Prior Sv: (1) AFRes 1 Aug 00 - 4 Oct 00 (2 months 4 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Oct 00 for 4 yrs. Svd: 2 Yrs 7 Mo 28 Das, all AMS.

b. Grade Status: A1C - 5 Feb 02  
Amn - 5 Apr 01

c. Time Lost: None.

d. Art 15's: None.

e. Additional: EOC, 22 AUG 02 - Second End of Course failure.  
EOC, 06 MAY 02 - First End of Course failure.  
LOR, 21 NOV 02 - Late for work.  
LOR, 14 NOV 02 - Late for work.  
LOR, 27 JUN 02 - Late for work.  
LOR, 01 JUN 02 - Late for work.  
ROC, 13 MAY 02 - Late for work.  
LOC, 17 DEC 01 - Late for work.

f. CM: None.

g. Record of SV: 5 Oct 00 - 5 Jun 02 Sembach AB 4 (Initial)  
6 Jun 02 - 1 Mar 03 Sembach AB 2 (HAF Dir) REF

h. Awards & Decs: AFTR, NDSM.

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

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 2 Apr 04.  
(Change Discharge to Reason and Authority for Discharge)

FD2004-00174

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues with 23 attachments.

16JUN04/ia



DEPARTMENT OF THE AIR FORCE  
86TH AIRLIFT WING (USAFE)

FD 2004-80174

14 Apr 03

MEMORANDUM FOR: [REDACTED]

FROM: USAFE OWS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Failure to Progress in On-The-Job Training. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.26.3. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as honorable.
2. My reasons for this action are:
  - a. On 6 May 2002, you failed to achieve the minimum passing score on your Career Development Course (CDC) examination for the first time. The minimum passing score is 65%. Your score was 56%.
  - b. On 22 August 2002, you failed to achieve the minimum passing score on your CDC examination for the second time. The minimum passing score is 65%. Your score was 64%.
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 USAF and any special pay, bonus, or education assistance funds may be subject to recoupment.
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 with [REDACTED], Area Defense Counsel, Ramstein AB, GE, Building 2111, DSN 480-2182/2492 on 15 Apr 03 at 1100 hours.** 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 18 April 03 at 1200 hours 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 submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

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7. You have been scheduled for a medical evaluation. **You must report in uniform with your medical records and an escort to the Ramstein AB Clinic, Physical Exams, Building 2121 on 15 Apr 03 at 0800 hours for the evaluation.** If an examination is required, tell the doctor you need a "separation" physical examination. If you wear glasses, you must bring them with you. If you wear contacts, you must be able to remove them.

8. Although not a basis for your discharge, your incidents of misconduct, to include four Letters of Reprimand (LORs), one Letter of Counseling (LOC), and one Record of Counseling, are additional considerations and are therefore attached.

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.



Commander

Attachments:

1. Supporting Documents:
  - a. Commander's Memo, dtd 16 Dec 02
  - b. Second Failure Documentation
  - c. First Failure Documentation
  - d. Student History Documentation
2. Other Documents:
  - a. LOR, dtd 21 Nov 02
  - b. LOR, dtd 14 Nov 02
  - c. LOR, dtd 27 Jun 02
  - d. LOR, dtd 1 Jun 02
  - e. ROIC, dtd 13 May 02
  - f. LOC, dtd 17 Dec 01
3. Airman's Receipt of Notification Memorandum