

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					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 24 Nov 2004	CASE NUMBER FD-2004-00256
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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: 11/29/2004
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-2004-00256

GENERAL: The applicant appeals to change the reason and authority for the discharge and to change the 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 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: Applicant contends discharge was inequitable because it was too harsh and he should have been given the opportunity to retrain. The records indicated the applicant failed two block tests and thus was eliminated from the Personnel Apprentice course due to academic deficiencies. Applicant concludes that he should not be labeled with "Unsatisfactory Performance" for failure on two block tests. The DRB opined that the reason for discharge was Unsatisfactory Performance, which is in accordance with AFI 36-3208, paragraph 5.26 based on documented failure to meet Air Force standards. The Board concluded that administrative separation was in the best interests of the Air Force and was appropriate.

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 AB) (HGH AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr Keesler AFB, MS on 2 Jul 03 UP AFI 36-3208, para 5.26 (Unsatisfactory Performance). Appeals for a Change in RE Code, and Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 1 Mar 82. Enlmt Age: 20 7/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-46, E-19, G-26, M-20. PAFSC: 9T000 - Basic Enlisted Airman. DAS: 31 Mar 03.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 31 Oct 02 for 6 yrs. Svd: 0 Yrs 8 Mo 2 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AETC 125A, 2 MAY 03 - Failure of Block V and VI.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (0) Yrs (8) Mos (2) Das
TAMS: (0) Yrs (8) Mos (2) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 9 Apr 04.
(Change the RE Code, and the Reason and Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

FD2004-00256

ATCH

1. Applicant's Issues.
2. Two Character References.
3. DD Form 214.

19AUG04/ia

Dear SIR or MADAM

My name is [REDACTED] Formerly
 airman [REDACTED] I'm writing because after
 completing basic training for the United
 States Airforce. I was shipped to
 KAFB, Mississippi for Tech school. For
 a six week course all I was asked
 to do was pass my skill test each
 week of the course. Between week 4
 and week 5 the course material was
 changed. My fifth week of the course
 was my hardest week. I barely received
 a passing grade. I was enrolled in the
 3SOX1 program. My sixth week I failed
 my exam and was not retested. I sat
 around Keesler AFB for a month and a
 half before they told me I was going
 home. Needless to say I was shocked. I
 became a reservist nobody wanted.
 My unit back home decided I was
 a risk, instead of an opportunity. I worked
 hard from Feb 11, 2002, till July 2, 2002.
 For 6 1/2 weeks [REDACTED] was
 broken down and Airman [REDACTED] was created.
 I've earned my Airman's coin just like
 all the others I came thru with. And just
 like that my proudest achievement here
 taken away from me. The uniform I sweated
 in for 6 1/2 weeks at Lackland. Now all I
 have left is my Airman's coin. That coupled
 with 2 friends that keep in touch with me
 from basic is all I have.

I'm only 22 years old but there's a lot of things I want to take advantage of mainly is school. All I ask for is a second chance. I would like to redeem myself best way possible. I feel I can right the ship of wrong doing. I still feel military life is a part of me.



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

MEMORANDUM FOR [REDACTED]

FROM: 335 TRS/TRM

JUN 30 2003

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance. The authorities for this action are AFPD 36-32 and AFI 36-3208, chapter 5, section E, paragraph 5.26. If my recommendation is approved, your discharge will be described as honorable.

2. My reasons for this action are: On or about 22 May 03, you were eliminated from the Personnel Apprentice course due to academic deficiencies, as noted on AETC Form 125A, dated 22 May 03. (Atch 1, Appendix A w/atchs)

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 higher 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 consult legal counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult [REDACTED] at Bldg 0701, Room 133, on [REDACTED] at [REDACTED] hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me by 2 Jul by 1630 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 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 Triangle Δ Clinic Family Practice on 30 Jun 03, 2003 at 1340 hours 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 Bldg 6965, CQ.

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



Attachments:

1. Supporting Documents
AETC Form 125A, dated 22 May 03 w/atchs
2. Airman's Receipt of Notification Memorandum
3. Airman's Statements

ATCH 1