

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)

GRADE

AFSN/SSAN

AIC

TYPE HON

PERSONAL APPEARANCE

X

RECORD REVIEW

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

X

X

X

X

X

ISSUES

A94.03
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-2004-00287

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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

FD-2004-00287

GENERAL: The applicant appeals for change of 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:

The applicant received an Honorable discharge for unsatisfactory performance. The records reflect member received a Record of Individual Counseling for a missed appointment and a Letter of Reprimand for disrespect to an NCO and disregard for government property.

Issue 1. Applicant requests that the reason (unsatisfactory performance) for his discharge be changed to "Failure to progress in OJT" or "For the Convenience of the Government." Applicant concludes that he should not be labeled with "Unsatisfactory Performance." The DRB opined that the reason for discharge was Unsatisfactory Performance which is in accordance with AFI 36-3208, paragraph 5.26.3, Failure to progress in on-the-job training (OJT). This reason would include individuals who fail to upgrade in a timely manner or as is in his case failed to pass the Career Development Course (CDC) 2W131F exam and failed the CDC exam twice. An involuntary discharge for the Convenience of the Government would only be appropriate when discharge 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 found to be appropriate.

Issue 2. The applicant noted his desire to return to military service. While the Board commends the applicant on this aspiration, it is not a matter of equity or propriety with regard to his discharge and does not provide a basis that warrants a change of reason and authority or reenlistment code.

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 Moody AFB, GA on 23 Oct 00 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance). Appeals for Change in RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 22 Jun 80. Enlmt Age: 18 4/12. Disch Age: 20 4/12. Educ: HS DIPL. AFQT: N/A. A-77, E-49, G-50, M-28. PAFSC: 2W131F - F-16 Aircraft Armament Systems Apprentice. DAS: 2 Aug 99.

b. Prior Sv: (1) AFRes 16 Nov 98 - 12 Jan 99 (1 month 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Jan 99 for 6 yrs. Svd: 1 Yrs 9 Mo 11 Das, all AMS.

b. Grade Status: A1C - 5 Mar 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MEMO FOR SUPERVISOR, 17 SEP 00 - End of Course Exam failure.
MEMO FOR 68 FS/CC, 8 SEP 00 - End of Course Exam two time failure.
LOR, 02 JUN 00 - Disrespect to an NCO and disregard for government property.
RIC, 18 NOV 99 - Missed appointment.

f. CM: None.

g. Record of SV: 13 Jan 99 - 12 Sep 00 Moody AFB 3 (Initial)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (1) Yrs (11) Mos (8) Das
TAMS: (1) Yrs (9) Mos (11) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 15 Jul 04.
(Change Discharge to Change in RE Code, Reason and Authority for Authority for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Record of Individual Counseling, 18 Nov 99.
3. Letter of Reprimand, 2 Jun 00.
4. Enlisted Performance Report.
5. Routing and Review of Loading Evaluation.
6. AF Form 623A, Continuation Sheets.
7. DD Form 1966, Record of Military Processing.
8. Personal Data.

10SEP04/ia



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 347TH WING (ACC)
MOODY AIR FORCE BASE, GEORGIA

5 October 2000

MEMORANDUM FOR: [REDACTED]

FROM: 68 FS/CC

SUBJECT: Notification Memorandum - Discharge of Airman

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance (failure to progress in on-the-job training (OJT)). The authority for this action is AFI 36-3208, paragraph 5.26.3. If my recommendation for discharge is approved, 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 reasons for this action are as follows:

a. On or about 30 Aug 99, you entered upgrade training to 5-level. You received your 5-level career development course (CDC). This fact is documented by, the CDC Course Examination Failure Notice (Atch 1a w/atch).

b. On or about 30 Jul 00, you took the End of Course Exam (EOCE) and scored 61 percent, which is below the minimum required passing score of 65 percent (Atch 1a w/atch). Following your EOCE failure, you were counseled. You were placed in a study program consisting of three hours of unsupervised on-duty study as documented by the CDC Course Examination Failure Notice (Atch 1a w/atch).

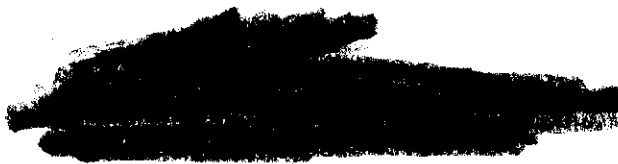
c. On or about 5 Sep 00, you took your second EOCE and scored 63 percent, which is below the minimum required passing score of 65 percent (Atch 1b w/atch). Following your EOCE failure, you were counseled as documented by the CDC Course Examination Failure Notice (Atch 1a w/atch).

d. On or about 3 Oct 00, I reviewed your training records, reading comprehension scores, Personal Information File and latest Enlisted Performance Report (EPR). Your overall training and duty performance is marginal as reflected by EPR, thus I believe removing you from upgrade training is the best course of action. Therefore, I am recommending your discharge from the United States Air Force as documented in a Memorandum for Record, dated 3 Oct 00 (Atch 1b w/atch).

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial (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 with the **Area Defense Counsel** in Bldg 5107, extension 3421, on **6 Oct 00** at **0900**. Please take your copy of this Notification Memorandum and the attachments with you to your appointment. You may consult civilian counsel at your own expense.
4. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within **three** duty days after receipt of this notification memorandum, unless you request and receive an extension for good cause shown. I will send any statement(s) you submit to the separation authority.
5. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.
6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, **Physical Exams Section**, Bldg 3296, at **1300** on **10 Oct 00**. **This is a mandatory appointment. Be sure to bring your medical records to this appointment.**
7. The Privacy Act statement covers any personal information you furnish in rebuttal. A copy of AFI 36-3208 is available for your use in the orderly room.
8. Execute the attached acknowledgment and return it to me immediately.



Attachments:

1. Supporting Documents, Reasons for Discharge
 - a. CDC Examination Failure Notice (w/atch)
 - b. MFR, 3 Oct 00 (w/atch)
2. Receipt of Notification Memorandum