

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ██████████		GRADE A1C	AFSN/SSAN ██████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1"> <tr> <td colspan="2">COUNSEL</td> </tr> <tr> <td>YES</td> <td>No</td> </tr> <tr> <td></td> <td>X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL									
YES	No								
	X								

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
	X				
	X				
	X				
	X				
	X				

ISSUES A94.06	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 02 Aug 2005	CASE NUMBER FD-2005-00080
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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.

Names and votes will be made available to the applicant at the applicant's request.

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INDORSEMENT		DATE: 8/2/2005
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-2005-00080

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: The Board grants the requested relief.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's reason and authority for discharge inequitable.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received one Letter of Reprimand for various acts of minor misconduct and two Memorandums for Record for failing his CDC exams. The DRB opined that a General discharge for one LOR was too harsh. The records show that the command gave up on the applicant around the February 2001 time frame but did not discharge him until the following September because they were waiting for a replacement.

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.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge under the provisions of Title 10, USC 1553.

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 GEN Disch fr Hill AFB, UT on 7 Jun 01 UP AFI 36-3208, para 5.26.1 & 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job Training). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 13 Jul 73. Enlmt Age: 25 1/12. Disch Age: 27 10/12. Educ: HS DIPL. AFQT: N/A. A-45, E-77, G-66, M-81. PAFSC: 1T131 - Aircrew Life Support Apprentice. DAS: 4 May 99.

b. Prior Sv: (1) AFRes 20 Aug 98 - 12 Jan 99 (4 months 23 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as A1C 13 Jan 99 for 4 yrs. Svd: 2 Yrs 4 Mo 26 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: MEMO, 02 MAR 01 - Removal from upgrade training.
 LOC, 04 DEC 00 - Delivered letter to 4th FS/CC stating he would be fasting from eating or drinking anything besides water until he was discharged or placed in the hospital.
 EPR (1), 28 SEP 00 - Failure to perform primary duties according to supervisors expectations and upgrade training requirements.
 LOC, 27 SEP 00 - Insubordinate conduct.
 LOC, 01 JUN 00 - Inappropriate gesture.
 VBC, 18 FEB 00 - Volume 3 Review Exercise failure.
 VBC, 07 JAN 00 - Volume 2 Review Exercise failure.
 LOC, 25 OCT 99 - Failure to complete any CDCs.

f. CM: None.

g. Record of SV: 13 Jan 99 - 28 Sep 00 Hill AFB 1 (Initial)REF
 29 Sep 00 - 29 Mar 01 Hill AFB 1 (Cmdr Dir)REF

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (9) Mos (19) Das

Issues presented to the Discharge Review Board

My general (under honorable conditions) discharge is inconsistent with the full honorable character I showed as a bay orderly. I was a bay orderly longer than I was an Air Crew Life Support Technician. While I was awaiting discharge working as a bay orderly I was informally put in charge of the other bay orderlies because the Dormitory Managers, [REDACTED] and [REDACTED] found me trustworthy to get tasks done well and within their time frame. Of the bay orderlies I was in charge of, some outranked me as an Airman 1st Class while most of my crew was awaiting some sort of disciplinary action or Discharge because of Disciplinary actions taken against them. On many occasions I was honored with the trust of the dorm managers to watch the dorm managers office while they were away. Typically only dorm managers were allowed in the office by themselves, not bay orderly's or dorm residents. In one instance I was told by one of the Dormitory Managers to secure a room in the dorms where a crime had taken place and to take note of any person(s) who came to visit that specific airman so that the military police could investigate further.

As an Air Crew Life Support Technician, my original Air Force Specialty Code, I will admit that I wasn't the best technician but I wasn't "bad" either. My point being that I saw other personnel in my squadron get numerous LOR's and LOC's, and still separate with a full Honorable Discharge as where I had only a couple to mention while I was in the 4th Fighter Squadron and I separated with a general (Under Honorable conditions) discharge even after I proved myself a trustworthy leader as a bay orderly. My request of the Discharge Review Board is to upgrade my current discharge to that of a full Honorable discharge. I would like to thank the members of the Discharger review board for your time and effort in this matter.

Sincerely,

[REDACTED SIGNATURE]



DEPARTMENT OF THE AIR FORCE
4th FIGHTER SQUADRON (ACC)
HILL AIR FORCE BASE, UTAH

FD 2005-00205

30 APR 01

MEMORANDUM FOR [REDACTED]

FROM: 4 FS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance and failure to progress in on-the-job training. The authority for this action is AFPD 36-32 and AFI 36-3208, paragraphs 5.26.1 and 5.26.3. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending your service be characterized as general.

2. My reasons for this action are:

a. For the period of 13 Jan 99 to 28 Sep 00, you failed to perform your primary duties according to your supervisor's expectations and Career Field Education and Training Program upgrade requirements. For this unsatisfactory duty performance, you received a rating of (1) on your Enlisted Performance Report. (Atch 1a)

b. Between on or about 20 Sep 99 and 25 Oct 99, you failed to complete any of your first volume of your CDCs, even after your completion date was pushed back to accommodate a Phase II exercise. For this unsatisfactory performance, you received a Letter of Counseling (LOC), dated 25 Oct 99. (Atch 1b)

c. On or about 7 Jan 00, you received a score of 56% on the Volume Review Exercise (VRE) following the completion of volume 2 of your CDCs. For this unsatisfactory performance, you were verbally counseled by [REDACTED] (Atch 1c)

d. On or about 18 Feb 00, you received a score of 50% on the VRE following the completion of volume 3 of your CDCs. For this unsatisfactory performance, you were verbally counseled by [REDACTED] and [REDACTED] (Atch 1d)

e. On or about 2 Mar 01, you requested to be removed from upgrade training due to the fact that you decided not to pursue mandatory task/training qualification in the Life Support AFSC. For this unsatisfactory performance, you were removed from five level upgrade training on 8 Mar 01. (Atch 1e)

3. Other Derogatory Data:

a. On or about 31 May 00, you displayed inappropriate behavior by making a shooting gesture with your hand as if to shoot a gun at a female officer while her back was turned to you. For this act of misconduct, you received an LOC, dated 1 Jun 00. (Atch 1f)

b. On or about 25 Sep 00, you were insubordinate towards the operations superintendent. For this act of misconduct, you received an LOC, dated 27 Sep 00. (Atch 1g)

c. On or about 29 Nov 00, you delivered a letter to [REDACTED], stating that you would be fasting from eating or drinking anything besides water until you were either separated from the Air Force or placed into the hospital. For this act, you received an LOC, dated 4 Dec 00. (Atch 1h)

4. 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 determine 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.

5. 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, [REDACTED] at building 1205, on 1 MAY 01 at 0930. You may consult civilian counsel at your own expense.

6. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 3 MAY 01, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

7. 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.

8. You have been scheduled for a medical examination. You must report to the physical exam section of the base clinic on 2 MAY 01, between 1300 and 1500 for the examination.

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 unit orderly room.



Attachments:

1a. EPR, dtd 28 Nov 00

FD 2005-00205

- 1b. LOC, dtd 25 Oct 99
- 1c. AF Form 623a, dtd 7 Jan 00/ECI Form 34
- 1d. AF Form 623a, dtd 18 Feb 00/ECI Form 34
- 1e. Memo, dtd 2 Mar 01/AF Form 2096, dtd 8 Mar 01
- 1f. LOC, dtd 1 Jun 00
- 1g. LOC, dtd 27 Sep 00
- 1h. LOC, dtd 4 Dec 00
- 2. Airman's Receipt of Notification Letter