

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]			GRADE A1C		AFSN/SSAN [REDACTED]			
TYPE GEN		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
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-2005-00205						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE								
<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>								
SIGNATURE OF RECORDER				SIGNATURE OF BOARD PRESIDENT				
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-2005-00205

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 four Letters of Counseling, a Memorandum for Record and two Verbal Counseling's for failure to complete his CDCs, failing his CDC exams, making an inappropriate gesture, insubordinate conduct and stating he would be fasting until he was discharged or placed in the hospital. Although the DRB did not condone the minor misconduct, they opined that the member should have been discharged honorably because of the failure to progress.

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 Hurlburt Field, FL on 14 Sep 01 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job-Training). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 14 Jul 76. Enlmt Age: 22 7/12. Disch Age: 25 2/12. Educ: HS DIPL. AFQT: N/A. A-54, E-43, G-39, M-53. PAFSC: 2T231 - Air Transportation Apprentice. DAS: 27 Jul 99.

b. Prior Sv: (1) AFRes 20 Feb 99 - 02 Mar 99 (13 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 3 Mar 99 for 4 yrs. Svd: 2 Yrs 6 Mo 12 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 04 SEP 01 - Failed room re-inspection; unauthorized use of a government vehicle; late for duty; uniform violations; poor personal hygiene; entering into marriage while retaining a single-occupancy dorm room; circumventing chain of command; not wearing appropriate military headgear.

MFR, 20 Oct 00 - Counseling for Second CDC End of Course failure.

ECI FORM 9, 17 OCT 00 - Second CDC End of Course Exam failure.

MFR, 06 Sep 00 - Counseling for CDC End of Course Failure.

ECI FORM 9, 09 AUG 00 - First CDC End of Course Exam failure.

f. CM: None.

g. Record of SV: 03 Mar 99 - 11 Nov 00 Hurlburt Field 2 (Annual)REF
12 Nov 00 - 10 Jun 01 Hurlburt Field 3 (Cmdr Dir)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (6) Mos (26) Das
TAMS: (2) Yrs (6) Mos (12) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Jan 05.
(Change Discharge to Honorable)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 30 months of service with no other adverse action.

ATCH

None.

18APR05/ia



DEPARTMENT OF THE AIR FORCE
16th TRANSPORTATION SQUADRON (AFSOC)

SEP 14 2001

MEMORANDUM FOR [REDACTED]

FROM: 16 TRANS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance, more specifically, failure to progress in on-the-job training (OJT). The authority for this action is AFPD 36-32 and AFI 36-3208, section E, paragraph 5.26.3. If my recommendation for discharge 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 based on the following:

a. You scored 59 percent on the end of course (EOC) exam for your career development course (CDC). The minimum passing score was 65 percent. This was your first failure. This EOC failure is evidenced by ECI Form 9, dated 17 Aug 2000.

b. You scored 45 percent on the EOC re-take exam for your CDC. The minimum passing score was 65 percent. This was your second failure. This EOC failure is evidenced by ECI Form 9, dated 17 Oct 2000.

c. You refused to take advantage of my attempts to secure a third opportunity for you to take your EOC CDC exam, stating with emphasis your desire to separate from the Air Force. This action leads me to believe you deliberately failed your exams for the purpose of terminating early your current enlistment.

d. Your conduct during recent months has been below standards. Constant disregard for proper procedures relative to dormitory upkeep, use of government vehicles and application for receipt of the basic allowance for housing entitlement resulted in my issuing you a Letter of Reprimand.

3. Your end-of-course examination failures along with your failure to progress in OJT and your misconduct are the determining factors why you should be discharged and the characterization of your discharge.

4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Courts-Martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. 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, the Area Defense Counsel, Hurlburt Field, FL, Bldg 90042, on 5 Sept at 0900 hours. 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 within 3 workdays 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. 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 at the unit orderly room.



Attachments:

1. Memorandum from Base Training, dtd 18 May 2001 (2 p.)
2. AF Form 418, dated 9 May 2001 (1 p.)
3. Commanders' Assessment of A1C Owens' 2nd time failure, not dtd (2 p.)
4. Career Development Course Failure Counseling, not dtd (3 p.)
5. CDC Failure Counseling/Survey, dtd 26 Oct 2000 (11p.)
6. ECI Form 9, dtd 17 Oct 2000 (1p.)
7. Career Development Course Failure Counseling, dtd 19 Sep 2000 (3 p.)
8. AF Form 623, dtd 6 Sep 2000 (1p.)
9. ECI Form 9, dtd 17 Aug 2000 (1p.)
10. AF Form 623, On the Job Training Record(s), dtd 16 Aug 1999 thru 24 Feb 2001 (15 p.)
11. AF Form 623a, dtd 3 Mar 1999 thru 10 Jun 2001 (5 p.)
12. Letter of Reprimand, dtd 4 Sep 2001
13. Airman's receipt of notification memorandum