

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN			
TYPE HON	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION				
YES	No	ADDRESS AND OR ORGANIZATION OF COUNSEL				
	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	08 Dec 2005	CASE NUMBER	FD-2005-00212			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>Advise applicant of the decision of the Board.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p> <p>* CHANGE RE CODE + CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY</p>						
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT			
INDORSEMENT			DATE: 12/12/2005			
TO:			FROM:			
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			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-2005-00212

GENERAL: The applicant appeals for upgrade of discharge to honorable, change the reason and authority for the discharge, and 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: 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 an Honorable discharge for unsatisfactory performance. The unsatisfactory performance was for failure to progress in on-the-job training. The applicant was eliminated from the Electronic Principles portion of the Visual Imagery and Intrusion Detection Systems Apprentice Course. The DRB also noted that the applicant's instructor recommended reclassification to a non-technical AFSC and stated that she believed that the applicant "is in over his head in an electronics career field". However, due to Force Shaping, the Air Force did not offer the applicant a chance to re-train in another, non-technical, career field. The Board concluded the separation of the applicant was found to be inequitable.

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. However, since the applicant was not provided full administrative due process the Board further concludes that the reason and authority for discharge should be changed to Secretarial Authority under the provisions of Title 10, USC 1553, and the applicant's RE Code should be changed to 3K.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr Keesler AFB, MS on 22 Mar 05 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job Training). Appeals for a Change to RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 21 Mar 86. Enlmt Age: 17 6/12. Disch Age: 19 0/12. Educ: HS DIPL. AFQT: N/A. A-65, E-73, G-68, M-66. PAFSC: 2E114 - Visual Imagery & Intrusion Detection Systems Helper. DAS: 13 Dec 04.

b. Prior Sv: (1) AFRes 17 Oct 03 - 21 Jun 04 (8 months 5 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 22 Jun 04 for 4 yrs. Svd: 0 Yrs 9 Mo 1 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AETC 125A, 15 FEB 05 - Failure of Blocks II and III tests.
AETC 341, 31 JAN 05 - Failure to stay awake in class.
AETC 173, 12 JAN 05 - Low Block I score.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (5) Mos (6) Das
TAMS: (0) Yrs (9) Mos (1) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 May 05.
(Change Discharge to the RE Code, Reason and Authority for Discharge)

Issue 1: I request your consideration to upgrade my 2C status to a 1C status. I have learned a valuable lesson to always do my best. I have a strong desire to serve my country. I understand this responsibility and I will strive to the best of my abilities to be a soldier to represent my country well. I will do these by serving in the Illinois Air National Guard.

ATCH

1. DD Form 214.
2. Notification Memorandum.

6JUL05/ia



DEPARTMENT OF THE AIR FORCE

338TH TRAINING SQUADRON
KEESLER AFB, MISSISSIPPI 39534

FD 2005-00212

MAR 02 2005

MEMORANDUM FOR AIC [REDACTED]

FROM: 338 TRS/TRM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance for failure to progress in on-the-job training (OJT). 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 an Honorable Discharge.

2. My reason for this action is

a. On or about 15 Feb 2005, you were academically eliminated from the Electronic Principles portion of the Visual Imagery & Intrusion Detection Systems Apprentice Course. Specifically, you failed the Block II and Block III tests with scores of 63%, on each test, as documented on AETC Form 125A, dated 15 Feb 2005. (Atch 1, Appendix A w/atchs)

b. On 31 Jan 2005, you were unable to stay awake in class as documented on AETC Form 341, dated, 31 Jan 2005. (Atch 1, Appendix B w/atchs)


c. On 12 Jan 2005, you were counseled after scoring 75% on the Block I test as documented on AETC Form 173.

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 authority will decide whether you will be discharged or retained in the United States Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

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 the Area Defense Counsel, on Waine Mandis, at _____ hours. The office is located in Bldg 0701, (Sablich Center), Room 243. The office telephone number is 377-2429. You may consult civilian counsel at your own expense.

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

5. 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.
6. You have been scheduled for a medical examination. You must report to the Student Triangle Clinic on 3 March, at 0900 hours for the examination.
7. 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 <http://www.e-publishing.af.mil/pubfiles/af/36/afi36-3208/afi36-3208.pdf> or unit orderly room.
8. Execute the attached acknowledgment and return it to me immediately.


Capt, USAF
Commander, Military Training Flight

Attachments:

1. Supporting Documents
 - a. AETC Form 125A, dated 15 Feb 05 w/atchs
 - b. AETC Form 341, dated 31 Jan 05
 - c. AETC Form 173, dated 12 Jan 05
2. Receipt of Notification Memorandum
3. Airman's Statement