

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE A1C	AFSN/SSAN			
TYPE HON	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No	NAME OF COUNSEL AND OR ORGANIZATION				
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
						X
						X
						X
						X
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A93.09	A49.00	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	CASE NUMBER					
15 Dec 2005	FD-2005-00227					
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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>						
SIGNATURE OF RECORDER		SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT		DATE: 12/15/2005				
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-2005-00227

GENERAL: The applicant appeals for a change to the reason and authority for the discharge.

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 is 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 in the reason and authority for discharge.

ISSUE: Applicant does not contest her discharge. She states that she would like to receive the GI Bill and the reason and authority was holding her back. The records indicated the applicant received an Honorable discharge for Unsatisfactory Performance, specifically for failing her CDC course twice. In addition she also received an Article 15 for writing bad checks and a Letter of Reprimand for repeatedly lying to her supervisor and others about having appointments in order to obtain two days unauthorized absence from duty. The Board concluded the characterization received was found to be appropriate along with the reason and authority for discharge. The applicant cited her desire to receive the G.I. Bill benefits as justification for upgrade. The DRB noted that when the applicant applied for these benefits, she signed a statement (DD Form 2366) that she understood she must receive an Honorable discharge to receive future educational entitlements. Since the applicant did receive an Honorable discharge, the Board encourages the applicant to reapply for her GI Bill benefits and show the VA that her reason and authority for discharge were for failure to pass her CDC.

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

[REDACTED]
(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr Elmendorf AFB, AK on 8 Nov 04 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job-Training). Appeals for a Change in Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 25 Jul 83. Enlmt Age: 18 1/12. Disch Age: 21 3/12. Educ: HS DIPL. AFQT: N/A. A-51, E-34, G-36, M-28. PAFSC: 3A031 - Information Management Apprentice. DAS: 8 Jul 02.

b. Prior Sv: (1) AFRes 7 Sep 01 - 26 Feb 02 (5 months 20 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 27 Feb 02 for 4 yrs. Svd: 2 Yrs 8 Mo 12 Das, all AMS.

b. Grade Status: A1C - 27 Jun 03
Amn - 27 Aug 02

c. Time Lost: None.

d. Art 15's: (1) 21 Apr 04, Elmendorf AFB, AK - Article 134. You, did, at or near Camp Pendleton, California, on divers occasions, between on or about 10 Jan 04 and on or about 12 Jan 04, make and utter to Marine Corps Community Services, Camp Pendleton, certain checks, in words and figures as follows, to wit: Check# 1004, dated 10 Jan 04, for \$100.00, check# 1005, dated 10 Jan 04, for \$195.71, check# 1006, dated 11 Jan 04, for \$100.00, check# 1007, dated 12 Jan 04, for \$100.00, check# 1008, dated 12 Jan 04, for \$247.26, for the purpose of cash and services rendered, and did thereafter dishonorably fail to maintain sufficient funds in the First National Bank Alaska for payment of such checks in full upon their presentment for payment. Suspended reduction to Airman. Suspended forfeiture of \$668.00 pay per month for 2 months. Thirty days extra duty. (No appeal) (No mitigation)

e. Additional: LOR, 01 APR 04 - EOC second failure.
ECI Form 9, 25 MAY 04 - CDC course failure.
ECI Form 9, 01 MAR 04 - CDC course failure.
LOR, 19 SEP 02 - Repeatedly lied to supervisor and other

SRNCOs about having military appointments to obtain two days unauthorized absence from duty.

- f. CM: None.
- g. Record of SV: 28 Feb 02 - 13 Nov 03 Elmendorf AFB 5 (Initial)
- h. Awards & Decs: NDSM, AFTR, AFOSLTR.
- i. Stmt of Sv: TMS: (3) Yrs (2) Mos (2) Das
TAMS: (2) Yrs (8) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 May 05.
(Change the Reason and Authority for Discharge)

Issue 1: I agree to separate under the gaurantee (sic) that I would receive my GI bill benefits, yet I have been denied my benefits due to the narration line on my DD214. My separation was voluntary under the condition the (sic) my veterans benefits would be extended. Thank you for your consideration.

ATCH
None.

12JUL05/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

SEP 29 2004

MEMORANDUM FOR [REDACTED]

FROM: 611 ASUS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force 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 either honorable or general. I am recommending that your service be characterized as honorable.

2. My reasons for this action are:

(a) On 25 Feb 04, you failed to meet the minimum passing score of 65% for the first time on your Career Development Course (CDC) End of Course (EOC) examination by scoring 43% (Attachment 2).

(b) On 19 May 04, you failed to meet the minimum passing score of 65% for the second time on your Career Development Course (CDC) End of Course (EOC) examination by scoring 61%. The second failure terminated your enrollment in your CDC (Attachment 6).

3. Though not used as a basis for your discharge, the following actions will be reviewed by the separation authority:

(a) Between 9-18 Sep 02, you provided false official statements to your supervisor and other senior noncommissioned officers about having military appointments that interfere with your military duty, to obtain two days unauthorized absence from duty. For your dishonesty and deceit you received a Letter of Reprimand (LOR), dated 19 Sep 02 (Attachment 1).

(b) Between 10-12 January 2004, you wrote several checks from an account which had insufficient funds. For your misconduct, you received Article 15 punishment, dated 21 Apr 04, consisting of a suspended reduction to airman, suspended forfeiture of \$668.00 pay per month for 2 months, and 30 days extra duty. This Article 15 established an Unfavorable Information File (Attachment 5 & 11).

(c) On 1 Apr 04, you received an LOR for failing your Career Development Course (CDC) End of Course (EOC) examination. Although the LOR states the action was taken for the second CDC failure, it is obvious due to the date of the LOR the action was taken for the first CDC failure (Attachment 4).

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 decide whether you are 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, and any special pay, bonus, or education assistance funds may be subject to recoupment.
5. 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] 552-3887, at Bldg 10480, Room 330 on _____ at _____. 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 three duty days after the date of this letter unless you request and receive an extension for good cause shown. I will forward any statements you provide 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 medical examinations. You must report, with your medical records, to the 3rd Aerospace Medicine Squadron, Bldg 5595, at 0830 on 29 SEP 04 for your first exam, at which time you will be notified of the time for your second exam. Bring with you the Medical Assessment Letter (DD Form 2697). You are to refrain from alcohol for 72 hours, and refrain from the use of tobacco products for 6 hours, prior to examination. Bring eyeglasses (and contact solution if using contacts) if applicable. You must be in uniform for these examinations.
9. You have been scheduled for a Transition Assistance Program briefing. You must report to the Family Support Center at 0900 on 30 SEP 04. You have also been scheduled for a TMO Household Goods Shipment preprocessing briefing. You must report to Bldg 8517 (People Center), Room 247 at 1000 on 1 OCT 04. You must be in uniform for all appointments.

10. 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 your Squadron Orderly Room.



Attachments:

1. LOR, 19 Sep 02
2. Report of Course Exam, 1 Mar 04
3. Unsatisfactory CDC Exam Results, 11 Mar 04
4. LOR, 1 Apr 04
5. AF Form 3070, 21 Apr 04
6. Report of Course Exam, 25 May 04
7. Unsatisfactory CDC Exam Results, 7 Jun 04
8. Base Training Manager Memo, 13 Jul 04
9. CFETP, Part II
10. AF Form 623 A's
11. AF Form 1137