

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	GRADE A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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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
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ISSUES A01.07 A94.05	INDEX NUMBER A67.10 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 14 Mar 2006	CASE NUMBER FD-2005-00346	
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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

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

*Reason and Authority
+Reenlistment Code

SIGNATURE OF RECORDER <i>[Signature]</i>	SIGNATURE OF BOARD PRESIDENT <i>[Signature]</i>
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INDORSEMENT	DATE: 3/31/2006
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-2005-00346

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the 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: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

The records indicated the applicant received two Career Development Course (CDC) failures, two Letters of Reprimand, three Records of Individual Counseling and three Memorandums for Record for misconduct. The applicant failed his CDC's on two separate occasions with a required minimum score of 65 and applicant scored a 52 and 61. The primary basis for his discharge was minor disciplinary infractions. The applicant received two Letters of Reprimand for being derelict in performance of duties and failure to go to appointed place of duty. He also received Records of Individual Counseling for being derelict in the performance of his duties on two separate occasions and disobeying a direct order of his superiors. He further received three Memorandums for Record for failure to maintain facial hair in accordance with AFI 36-2903 and derelict in the performance of duties. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

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 GEN Disch fr McChord AFB, WA on 29 Apr 98 UP AFI 36-3208, para 5.26.3 & 5.49 (Unsatisfactory Performance & Minor Disciplinary Infractions). Appeals for Honorable Discharge, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 26 Apr 78. Enlmt Age: 17 11/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-35, E-54, G-48, M-54. PAFSC: 4Y031 - Dental Assistant Apprentice. DAS: 22 Jan 97.

b. Prior Sv: (1) AFRes 14 Mar 96 - 20 Aug 96 (5 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Aug 96 for 4 yrs. Svd: 01 Yrs 08 Mo 09 Das, all AMS.

b. Grade Status: A1C - 21 Dec 97
Amn - 21 Feb 97

c. Time Lost: None.

d. Art 15's: None.

e. Additional: CDC, 24 FEB 98 - End of course exam failure.
VBC, 13 FEB 98 - Speeding ticket.
CDC, 09 DEC 97 - End of course exam failure.
LOR/UIF, 17 OCT 97 - Dereliction of duty.
RIC, 17 SEP 97 - Dereliction of duty.
RIC, 07 AUG 97 - Dereliction of duty.
MFR, 07 AUG 97 - Failure to maintain sideburns IAW AFI 36-2903.
MFR, 03 JUL 97 - Dereliction of duty.
MFR, 04 JUN 97 - Dereliction of duty.
RIC, 25 MAR 97 - Disobeying a direct order and dereliction of duty.
LOR/UIF, 28 OCT 96 - Late for formation, failure to maintain room in inspection order on two consecutive days, and dereliction of duty.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA W/1 DEV.

i. Stmt of Sv: TMS: (02) Yrs (01) Mos (16) Das
TAMS: (01) Yrs (08) Mos (09) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 24 Aug 05.

(Change Discharge to Honorable Discharge, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am asking for a upgrade from General/Under Honorable Conditions to Honorable Discharge with also a change of my reentry code to a code where I can reenter the military. I was discharged because of my CDC test scores, yet it states on my DD-214 misconduct for reason member be in seperated (sic). I would like to enter the Army Reserves and serve my country. I was not the best Airman, however I was not a bad Airman. I would like to make my service right and ask for this chance. Please change my reentry code at very least to one I can submit a waiver for entry to the Army. Thank you for taking the time out to hear my plea.

ATCH

1. DD Form 214.

4OCT05/ia

DEPARTMENT OF THE AIR FORCE
62D AIRLIFT WING (AMC)
MCCHORD AIR FORCE BASE, WASHINGTON 98438

14 April 98

MEMORANDUM FOR A1C: _____, 62 MDOS

FROM: 62 MDOS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory duty performance - failure to progress in on-the-job (OJT) training and minor disciplinary infractions (primary basis). The authority for this action is AFD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraphs 5.26.3 and 5.49 (primary basis). If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general. I have informed 62 MDG/CC of this recommendation for discharge.

2. My reasons for this action are as follows:

a. Paragraph 5.26.3 – unsatisfactory duty performance – failure to progress in on-the-job (OJT) training:

(1) On or about 24 February 1998, you scored a 61 on your 2nd Career Development Course (CE) exam thereby failing to meet the minimum passing score of 65. For this failure, Extension Course Institute (ECI) Air University disenrolled you from the Career Development Course, and I initiated this involuntary discharge action. (atch 1)

(2) On or about 9 December 1997, you scored a 52 on your 1st Career Development Course (CE) exam thereby failing to meet the minimum passing score of 65. For this failure, your supervisor, unit training monitor, and I personally counseled you. In addition, we scheduled you to retake the test. (atch 1)

b. Paragraph 5.49 – minor disciplinary infractions (primary basis):

(1) On or about 13 February 1998, you exceeded the posted 30 mph speed limit by 12 mph. For this offense, you received an Armed Forces Traffic Ticket dated 13 February 1998, and your supervisor verbally counseled you. (atch 2)

(2) On or about 15 October 1997, you were derelict in the performance of your duties in that you failed to prepare yourself for duty at the required time. Specifically, you were eating in the conference room, you were not dressed in your personal protective gear, and you had to be paged to assist your doctor in the exam room. For these offenses, you received a Letter of

Reprimand dated 17 October 1997, and we made an entry into your Unfavorable Information File (UIF). (atchs 3, 12)

(3) On two consecutive days, 16 September 1997 and 17 September 1997, you were derelict in the performance of your duties in that you failed to timely and properly set up for your appointment. For these offenses, you received a Record of Counseling dated 17 September 1997. (atch 4)

(4) On or about 7 August 1997, you were derelict in the performance of your duties in that you failed to review and sign the "Read Board" prior to the end of the duty day and you failed to properly identify the start date of your leave on your leave slip. For these offenses, you received a Record of Individual Counseling dated 7 August 1997. (atch 5)

(5) On three consecutive days, 5, 6, and 7 August 1997, you failed to maintain the length of your sideburns IA W the provisions of AFI 36-2903. For these offenses, your supervisor verbally counseled you, as documented in a Memo for Record dated 7 August 1997. (atch 6)

(6) On or about 2 July 1997, you were derelict in the performance of your duties in that you initially refused to see your scheduled 0730 sick call patient and you later attempted to unnecessarily delay treating the same patient. For these offenses, your NCOIC verbally counseled you, as documented in a Memorandum for Record dated 3 July 1997. (atch 7)

(7) On or about 4 June 1997, you were derelict in the performance of your duties in that you failed to prepare yourself for duty at the required time. Specifically, you did not have your scrubs on and you did not have your room set up. For this offense, your supervisor verbally counseled you, as documented in a Memo for Record dated 4 June 1997. (atch 8)

(8) On or about 25 March 1997, you disobeyed the direct order of your superiors not to wear the black knit ski cap while on duty. In addition, on or about 25 March 1997, you were derelict in the performance of your duties in that you provided the orderly room with false information regarding your phone number and address. For these offenses, you received an undated Record of Individual Counseling. (atch 9)

(9) On or about 28 October 1996, you failed to go to your appointed place of duty. Specifically, you were late for morning formation. In addition, on two consecutive days, 26 October 1996 and 27 October 1996, you failed to comply with posted room inspection procedures by not keeping your room in proper order. Finally, on or about 27 October 1996, you were derelict in the performance of your duties as the "Change of Quarters runner." For these offenses, you received a Letter of Reprimand dated 28 October 1996, and your training unit created a UIF. (atchs 10, 11)

3. I have attached copies of the documents to be forwarded to the separation authority in support of this recommendation. 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.

4. You have the right to consult legal counsel. Military legal counsel has been obtained to assist you. You have an appointment to consult Capt. [redacted], 984-2240, in building 100, room 3076 on **16 April 1998 at 1000 hours**. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 17 April 98 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. 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.
7. You have been scheduled for a medical examination to include an **HIV** test. You must report to Physical Exams in building 173 on **15 April 1998 at 0715 hours** with your medical records. Fast (drink water only) for 12 hours prior, no alcohol 72 hours prior, no tobacco products 6 hours prior to examination, and you must be in uniform for the examination.
8. You have been scheduled for a mandatory Transition Pre-separation Counseling appointment at the Family Support Center, bldg 552, on **15 April 1998 at 1300 hours**.
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 at your Commander's Support Staff.
10. The discharge authority will make the finding and recommendations required under 10 U.S.C 2005(g).

[redacted signature box]

Commander

Attachments:

1. Report of Course Exams dated 24 February 1998 and 9 December 1997 w/atchs
 2. Memorandum dated 19 February 1998 re: Armed Forces Traffic Ticket
 3. Letter of Reprimand dated 17 October 1997
 4. Record of Individual Counseling dated 17 September 1997 w/atchs
 5. Record of Individual Counseling dated 7 August 1997
 6. Memo for Record dated 7 August 1997
 7. Memorandum for Record dated 3 July 1997
 8. Memo for Record dated 4 June 1997
 9. Record of Individual Counseling undated
 10. Letter of Reprimand dated 28 October 1996 w/atchs
 11. Unfavorable Information File
 12. Airman's Receipt of Notification Memorandum
- cc: 62 MDG/CC