

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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table> | | COUNSEL | | YES | No | | X | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">NAME OF COUNSEL AND OR ORGANIZATION</td> <td style="width: 50%;">ADDRESS AND OR ORGANIZATION OF COUNSEL</td> </tr> <tr> <td style="height: 40px;"> </td> <td> </td> </tr> </table> | | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| ISSUES A95.00 A01.00 | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> INDEX NUMBER A49.00 </td> <td style="width: 50%; vertical-align: top;"> EXHIBITS SUBMITTED TO THE BOARD </td> </tr> <tr> <td> </td> <td>1 ORDER APPOINTING THE BOARD</td> </tr> <tr> <td> </td> <td>2 APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td> </td> <td>3 LETTER OF NOTIFICATION</td> </tr> <tr> <td> </td> <td>4 BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td> </td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td> </td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td> </td> <td>TAPE RECORDING OF PERSONAL APPEARANCE</td> </tr> </table> | | 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 | | | | | | | | | | | | | | | | | | | |
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| HEARING DATE 28 Jul 2006 | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> CASE NUMBER FD-2005-00364 </td> <td style="width: 50%;"></td> </tr> </table> | | CASE NUMBER FD-2005-00364 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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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 in 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. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SIGNATURE OF RECORDER | | SIGNATURE OF BOARD PRESIDENT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INDORSEMENT | | DATE: 7/31/2006 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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-2005-00364

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: Upgrade of 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 of discharge.

ISSUE:

Issue. The applicant stated she was told her discharge would automatically be upgraded in six months. While a discharge may be upgraded after six months, the upgrade is by no means automatic. The Board reviewed the entire record and found no evidence of impropriety or inequity in this case on which to base an upgrade of discharge. The records indicated applicant received two Letters of Reprimand for disobeying a direct order and dereliction of duty. The applicant also had two End of Course failures. A discharge is upgraded only if the applicant and the DRB can establish an inequity or impropriety took place at the time of discharge. In this case, none was found, so the Board denied the appeal.

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 Pope AFB, NC on 29 Nov 00 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance). Appeals for Honorable Discharge.

2. BACKGROUND:

a. DOB: 11 May 79. Enlmt Age: 17 5/12. Disch Age: 21 6/12. Educ: HS DIPL. AFQT: N/A. A-76, E-76, G-72, M-49. PAFSC: 5R031 - Chaplain Services Support Apprentice. DAS: 27 Apr 98.

b. Prior Sv: (1) AFRes 25 Oct 96 - 9 Sep 97 (10 months 15 days) (Inactive).

3. SERVICE UNDER REVIEW:

a. Enlisted as AB 10 Sep 97 for 4 yrs. Svd: 03 Yrs 02 Mo 20 Das, all AMS.

b. Grade Status: A1C - 10 Jan 99
Amn - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 07 FEB 00 - Dereliction of duty.
LOR, 21 SEP 99 - Disobeying a direct order.
EOC, 31 AUG 99 - End of course failure.
EOC, 26 MAY 99 - End of course failure.

f. CM: None.

g. Record of SV: 10 Sep 97 - 15 May 99 Pope AFB 4 (Initial)
16 May 99 - 15 May 00 Pope AFB 2 (Annual) **REF**
16 May 00 - 15 Oct 00 Pope AFB 3 (Cmdr Dir)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (04) Yrs (01) Mos (05) Das
TAMS: (03) Yrs (02) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 10 Sep 05.
(Change Discharge to Honorable)

Issue 1: Upon seperation (sic), I was informed that I would be eligible for an upgrade after 6 months given the reason of my discharge & my performance. It

has taken me some time to find the proper forms to fill and submit. I feel that based on my performance of my job while enlisted, I proved that I earned an "Honorable Discharge."

ATCH

1. DD Form 214.

26OCT05/ia



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE NORTH CAROLINA

28 Nov 00

MEMORANDUM FOR 43 AW/CC

FROM: 43 AW/JA
374 Maynard Street, Suite A
Pope AFB NC 28308

SUBJECT: Legal Review: Discharge under Provisions of AFPD 36-32 and AFI 36-3208,
Paragraph 5.26.3 (A1C: [REDACTED], 43 MSS)

1. BASIS FOR ACTION: Administrative discharge action was initiated on 28 Nov 00 against A1C: [REDACTED], under provisions of AFPD 36-32 and AFI 36-3208, chapter 5, paragraph 5.26.3, unsatisfactory performance, specifically, failure to progress in on-the-job training. The squadron commander recommends separation with a general discharge. On 28 Nov 00, A1C Porter waived her right to submit a statement on her behalf (See Attachment). The most severe type of discharge authorized in this case is a general discharge. This member is not entitled to a hearing before an administrative discharge board.

2. FACTS: The 43 MSS Commander initiated this action because A1C: [REDACTED] failed to achieve a passing score on her end-of-course examination. She initially failed this exam on or about 26 May 99. She received a score of 51% and thus, failed to achieve the minimum passing score of 65%. After this failure she was briefed on the importance of passing her exam the second time. Nonetheless, when she took the exam a second time on 31 Aug 99 she received a score of 43%, again failing to achieve the minimum passing score. These two failures are documented by two reports of course examination dated 26 May 99 and 31 Aug 99, respectively.

a. After A1C: [REDACTED] second CDC failure, the commander and the respondent's supervisor, Chaplain (Colonel): [REDACTED], decided to process a waiver of her CDC's in October 1999. During the course of the processing of the waiver, the respondent received two Letters of Reprimand and a referral EPR. The commander decided after the close out of the referral EPR that a CDC waiver is no longer appropriate and initiated this action.

3. PERSONAL DATA: A1C: [REDACTED] is 21 years old and began serving her current enlistment on 10 Sep 97. His duty title is Facility Manager, AFSC 5R031. She is entitled to wear the Air Force Training Ribbon.

4. DISCUSSION:

a. This discharge recommendation has been processed in compliance with 36-3208, and the record is legally sufficient to sustain a discharge. The circumstances cited by the 43 MSS/CC as reasons for discharge occurred within A1C[] current enlistment.

b. The service of airmen discharged for unsatisfactory performance will be characterized as honorable or general. The character of discharge is based on the quality of the member's service as reflected in the military record of the current enlistment or period of service including personal conduct, performance of duty, and the reason for separation. In this case, the respondent failed to progress in OJT after given ample opportunities to overcome her deficiencies. An honorable characterization is given when the quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate. A general discharge is appropriate when an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record. In the case at hand, if the airman had simply failed her end of course examinations, she would be entitled to an honorable discharge. This, however, is not the case.

c. A1C[] has received two letters of reprimand for dereliction of duty. In the first, she failed to obey a direct order and left three money pouches containing \$1,565.05 on top of her desk, unsecured, overnight. In the second, she was reprimanded for absolutely failing to perform her duties by not maintaining the financial records of the Pope Air Force Base Chapel, not depositing Chapel funds in a timely manner and failing to pay the legal obligations of the Chapel on time. This negative behavior outweighs any positive aspects of her time in service, and indicates that a general discharge is warranted.

d. Probation and rehabilitation is not appropriate in this case. The respondent's commander has already used rehabilitative tools without success. A1C[] does not appear to have the ability to progress in on-the-job training. Her CDC scores of 51% on or about 26 May 99 and 43% on or about 31 Aug 99 demonstrate her inability to meet training standards. There is also no indication that she has responded to her administrative discipline.

3. OPTIONS:

- a. Retain the respondent in the Air Force and waive the CDC examination requirement; or
- b. Recommend to the respondent's MAJCOM that she be cross trained and retained in the Air Force or,
- c. Discharge the respondent based on unsatisfactory performance for the reasons stated by the commander with an honorable discharge, with or without probation and rehabilitation; or
- d. Discharge the respondent based on unsatisfactory performance with a general discharge, with or without probation and rehabilitation.

4. RECOMMENDATION: Concur with the squadron commander's recommendation to discharge and sign the letter directing A1C [] discharge with a general discharge characterization without probation and rehabilitation.

[]
Staff Judge Advocate

Attachment:
Case File



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 43D AIRLIFT WING (AMC)
POPE AIR FORCE BASE NORTH CAROLINA

28 NOV 2000

MEMORANDUM FOR A1C: [REDACTED], 43 MSS

FROM: 43 MSS/CC
374 Maynard Street
Pope AFB NC 28308

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for unsatisfactory performance, specifically, failing to progress in on-the-job training. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.26.3. The service of airmen discharged for unsatisfactory performance will be characterized as honorable or general. If my recommendation is approved, your service will be characterized as general.
2. My reason for this action are your failures on your end-of-course examination. You initially failed this exam on or about 26 May 99. You received a score of 51% and, thus, failed to achieve the minimum passing score of 65%. After this failure you were briefed on the importance of passing your exam the second time. Nonetheless, you failed this exam a second time on or about 31 Aug 99 when you received a score of 43% and, thus, failed to achieve the minimum passing score. These two failures are documented by two reports of course examination dated 26 May 99 and 31 Aug 99, respectively.
3. Initially, in October 1999, the decision was made to process a waiver of your CDC's. However, due to derelictions of duty and your failure to perform in an acceptable manner, as evidenced by two Letters of Reprimand and a referral EPR dated May 2000, I have decided that a waiver of your CDC's is not appropriate.
4. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The 43d Airlift Wing Commander, who exercises Special Court Martial (SPCM) 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. An appointment has been scheduled for you to consult **Captain: [REDACTED]** at the Pope AFB NC Area Defense Counsel's office on 29 Nov 00 at 0900 hours. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the

right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

6. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me by 0920 at 1 Dec 00 hrs 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 in **three duty days**, your failure will constitute a waiver of your right to do so.

8. You have been scheduled for a physical examination. **Report to Physical Exams, Room 10 in the Flight Medicine Clinic on 28 Nov 00 at 0940 hours. In addition, report to Physical Exams/Lab ASAP for HIV screening.**

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 the orderly room.

Commander

Attachments

1. Student History Query, dated 26 Oct 00
2. Report of Course Examination, dated 3 Sep 00
3. Supporting Documents
4. MFR, dated 27 Nov 00
5. LOR, dated 7 Feb 00
6. LOR, dated 21 Sep 99