

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>				
TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL					
YES	No						
	X						
MEMBER SITTING		VOTE OF THE BOARD					
<div style="border: 1px dashed black; height: 100%; width: 100%;"></div>		HON	GEN	UOTHC	OTHER	DENY	
							X+
							X+
							X+
							X+
							X+
ISSUES	A94.05	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
		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						
28 Jul 2006	FD-2005-00382						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE							
<p>Case heard in 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> <p>+Reenlistment Code</p>							
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT				
<div style="border: 1px dashed black; height: 20px; width: 100%;"></div>			<div style="border: 1px dashed black; height: 20px; width: 100%;"></div>				
INDORSEMENT				DATE: 8/24/2006			
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

FD-2005-00382

GENERAL: The applicant appeals for upgrade of discharge to honorable, 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 and change of reenlistment code are 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:

Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received a Letter of Reprimand, five Letters of Counseling, eleven Memorandums for Record and one AF Form 623A for misconduct. The applicant had numerous infractions for failure to complete tasks, unacceptable comprehension and retention of training, taking extended lunch hours, failure to obey lawful orders, dereliction of duty, failure to maintain standards of government quarters and failure of dorm room inspection. 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)

MISSING MEDICAL RECORDS

1. MATTER UNDER REVIEW: Appl rec'd a GEN Disch fr USAF Shaw AFB, SC on 1 Sep 05 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job Training). Appeals for Honorable Discharge, and to Change the RE Code.

2. BACKGROUND:

a. DOB: 31 Aug 77. Enlmt Age: 17 8/12. Disch Age: 28 0/12. Educ: Bachelor Degree. AFQT: N/A. A-74, E-59, G-57, M-41. PAFSC: 1N051 - Intellegence Applications Journeyman. DAS: 29 Jul 02.

b. Prior Sv: (1)Enlisted USANG 12 May 95. Svd: 7 yrs 2 months 12 days, of which AMS is 1 yr 1 month 8 days. A1C - 2 Jun 95. SrA - 1 Jun 96. SSgt - 1 Apr 00. No performance reports available.

3. SERVICE UNDER REVIEW:

a. Enlisted USAF as A1C 25 Jul 02 for 6 yrs. Svd: 03 Yrs 01 Mo 07 Das, all AMS.

b. Grade Status: None.

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AF FORM 623A, 7 MAR 05 - Removed from training.
 LOC, 14 FEB 05 - Failure to complete tasks.
 MFR, 10 FEB 05 - Failure to complete ITS assignments.
 MFR, 07 FEB 05 - Failure to adhere to duty hours.
 MFR, 01 FEB 05 - No briefing knowledge.
 MFR, 01 FEB 05 - Problems creating POC list.
 MFR, 19 JAN 05 - Unacceptable current comprehension and retention of training.
 MFR, 18 JAN 05 - No memory of training.
 MFR, 12 JAN 05 - Comprehensive problems with Midterm Feedback Session.
 MFR, 15 DEC 04 - Unacceptable RainDrop performance.
 MFR, 09 DEC 04 - Taking extended lunch hours.
 MFR, 12 NOV 04 - No Retention of Weaponeering Concepts.
 MFR, 26 OCT 04 - Failure to blouse pants and lace boots.
 Failure to obey a lawful order.
 LOR, 22 JUN 04 - Failure to use the chain of command.
 LOC, 22 JAN 04 - Dereliction of duty.

LOC, 08 JAN 04 - Failure to maintain standards of
government quarters.
LOC, 14 JUL 03 - Failed dorm room inspection.
LOR, 07 MAR 03 - Dereliction of duty.

f. CM: None.

g. Record of SV: 25 Jul 02 - 24 Mar 04 Shaw AFB 2 (Initial)**REF**
25 Mar 04 - 24 Mar 05 Shaw AFB 1 (Annual)**REF**

h. Awards & Decs: NDSM, GWOTSM, AFTR.

i. Stmt of Sv: TMS: (10) Yrs (03) Mos (21) Das
TAMS: (04) Yrs (02) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 03 Oct 05.
(Change Discharge to Honorable, and Change the RE Code)

Issue 1: I request upgrade change in the reentry code from 2-B, and
consideration in upgrade in character of service. Current notations do not
reflect justice in my service.

ATCH

None.

6DEC05/ia



DEPARTMENT OF THE AIR FORCE
20TH FIGHTER WING (ACC)
SHAW AIR FORCE BASE SOUTH CAROLINA

24 AUG 2005

MEMORANDUM FOR CC

FROM: JA

SUBJECT: Administrative Discharge - AIC [REDACTED] 609 AIS

1. I have reviewed the proposed discharge action case file and find it legally sufficient to support a decision to separate the respondent with an under honorable conditions (general) discharge, as soon as he is found medically fit for separation.

2. **Background:**

a. The respondent is a 27-year-old assigned to the 609th Air Intelligence Squadron (609 AIS). His TAFMSD is 13 Jun 01 and he began his 6-year enlistment on 25 Jul 02. He was assigned to his present unit on 29 Jul 02. The respondent has received two enlisted performance reports; the first with a rating of "2" and the most recent with a rating of "1".

b. On 7 Jun 05, 609 AIS/CC properly notified the respondent of his recommendation to separate the respondent under the provisions of AFI 36-3208, Chapter 5, Section E, paragraph 5.26.3 for failure to progress in on-the-job training with an honorable discharge. On 12 Aug 05, the respondent elected to present his case to an administrative discharge board.

3. **Evidence for the Government:**

The respondent failed in his on-the-job training requirements. After being trained on certain job tasks, he was still unable to perform his tasks when called upon. In addition, he repeatedly failed to complete tasks, even after being given additional time to do so. Lastly, even though the respondent was certified, he was later decertified and removed from training due to failure to progress in on-the-job training.

4. **Evidence for the Respondent:**

The respondent was represented by counsel and presented his evidence to an administrative discharge board of four officers and two enlisted members. At the board, the respondent asked to be retained in the Air Force and allowed to cross-train into another section. A transcript of the proceedings is attached for your consideration.

5. **Discussion:**

a. **A basis for discharge exists.** The respondent was unable to perform core tasks even though his supervisor gave him repeated training on the same material and additional time to

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complete projects. Despite the additional mentoring and training, the respondent was still unable to perform his daily duties.

b. **The respondent should be discharged under that provision.** The respondent received a training plan which was documented in his AF Form 623. He was also retrained on all core tasks which were required for his skill level, but never improved his duty related performance. The board members weighed all the evidence and testimony and recommended that the respondent be discharged from the Air Force.

c. **The respondent should be given a general discharge.** Based on the respondent's overall performance, 609 AIS/CC recommended an honorable discharge. On 12 Aug 05, the respondent presented his case to a discharge board. The evidence presented to the board members showed that the respondent had repeated problems obeying duty hours, completing tasks on time, retaining basic job skills and taking responsibility for his actions. The board recommended an under honorable conditions (general) discharge. According to AFI 36-3208, paragraph 1.18.2, a general discharge is appropriate when "significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record." The respondent's repeated inability to perform job tasks clearly outweighs the positive aspects of his service.

d. **Probation and Rehabilitation is not appropriate in this case.** Respondent's continued failure to progress, demonstrates his poor rehabilitative potential. Furthermore, retaining this airman is not feasible as his two referral EPRs would make it difficult, if not impossible, to have another career field accept him. Thus, I do not recommend probation and rehabilitation in conjunction with this discharge.

6. **Errors and Irregularities:** I note no errors prejudicial to the respondent's substantive or procedural rights. However, it is somewhat unusual for the Board to recommend a discharge characterization less favorable than what the squadron commander recommended. It appears that the Board members were concerned with the respondent's lack of ability to improve his duty performance despite his supervision chain being very involved in his training and mentoring. Furthermore, the members considered his entire record and service in determining a general discharge was the more appropriate characterization. As part of that record, the Board members considered multiple letters of counseling and reprimand, as well as testimony regarding the respondent's failure to take responsibility for his actions. After considering his entire record, the members elected to recommend a general under honorable conditions discharge, with no probation and rehabilitation.

7. **Options:** As separation authority in this case, you may:

- a. Direct retention, if you determine the evidence does not warrant discharge; or,
- b. Direct respondent's separation with an honorable discharge, with or without probation and rehabilitation; or,

c. Direct respondent's separation with an under honorable conditions (general) discharge, with or without probation and rehabilitation.

8. **Recommendation:** In accordance with the board's recommendation, direct the respondent's separation with a general discharge and recommend denial of probation and rehabilitation. A proposed memorandum to that effect is attached for your signature.



Staff Judge Advocate

Attachments:

1. Proposed Letter
2. Case File
3. Record of Board Proceedings



DEPARTMENT OF THE AIR FORCE
20TH FIGHTER WING (ACC)
SHAW AIR FORCE BASE SOUTH CAROLINA

FD2005-00382

17 JUN 2005

MEMORANDUM FOR AIRMAN FIRST CLASS: [REDACTED]

FROM: 609 AIS/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. The authority for this action is AFD 36-32 and AFI 36-3208, Chapter 5, Section E, Paragraph 5.26.3. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as honorable.

2. My reasons for this action are: You failed in your on the job training requirements. After being trained on several items, you were unable to perform the tasks. You could not complete your assignments even after being given additional time to do so. Because of the problems you had in performing your tasks after being certified, you were later decertified and removed from training for failure to progress. (see Tab 4a for training documentation)

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be 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.

4. You have the right to:

- (a) Consult legal counsel.
- (b) Present your case to an administrative discharge board.
- (c) Be represented by legal counsel at a board hearing.
- (d) Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- (e) Waive the above rights. You must consult legal counsel before deciding to waive any of your rights.

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5. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain: _____, Area Defense Counsel, 895-9530, 321 Cullen Street, at 1400 hours on 7 June 2005. 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. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

7. You have been scheduled for a medical examination. You must report to the Primary Care, located in the Shaw AFB clinic at 0845 hours on 7 June 2005. This appointment is mandatory. If you must reschedule, contact your unit First Sergeant to reschedule the appointment for you.

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 in the unit orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment.

11. Execute the attached acknowledgment and return it to me immediately.

Commander

Attachments:

1. Supporting Documents

- a. MFR, dated 28 Jul 03.
- b. Memorandum for A1C: [REDACTED], dated 25 Jul 03.
- c. AF Form 623A, dated 25 Aug 03, (Initial evaluation).
- d. AF Form 623A, dated 20 Sep 04, (Initial evaluation).
- e. AF Form 623A, dated 20 Jul 03 - 04 Mar 05 (Documented training, 19 pages).
- f. MFR, dated 08 Mar 05, with attachments (19 pages)

2. Other Derogatory Data

- a. LOR, dated 7 Mar 03.
- b. LOC, dated 14 Jul 03.
- c. LOC, dated 8 Jan 04.
- d. LOC, dated 22 Jan 04.
- e. LOC, dated 22 Jun 04.