

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 SRA	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																																			
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ISSUES A95.00 A01.00		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 HE																																				
HEARING DATE 22 Sep 2006		CASE NUMBER FD-2005-00406																																				
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 <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>		SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>																																				
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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																																				

DATE: 9/25/2006

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00406

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

ISSUE:

Applicant requests that the reason (unsatisfactory performance) for his discharge be changed to "Failure to progress in OJT" or "For the Convenience of the Government." Applicant concludes that he should not be labeled with "Unsatisfactory Performance" making him ineligible for education benefits. The DRB opined that the reason for discharge was Unsatisfactory Performance which is in accordance with AFI 36-3208, paragraph 5.26.3, Failure to progress in on-the-job training (OJT). This reason would include individuals who fail to upgrade in a timely manner or as is in his case failed to pass the Career Development Course (CDC) exam and failed the CDC exam twice. An involuntary discharge for the Convenience of the Government would only be appropriate when discharge would serve the best interests of the Air Force and the discharge for cause is not warranted. The Board concluded the reason for 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 SrA) (HGH SrA)

1. MATTER UNDER REVIEW:

Appl rec'd an HONORABLE Disch from Hickam AFB, HI on 08 Aug 2005 UP AFI 36-3208, para 5.26.2 (Unsatisfactory Performance).. Appeals for Change of Reason for Discharge.

2. BACKGROUND:

- a. DOB: 10 Jul 1980 Enlmt Age: 21 11/12 Disch Age: 25 0/12 Educ: High School
AFQT: A-43 E-39 G-47 M-39 DAS: 08 Apr 2003
PAFSC: 4Y031 - Dental Assistant Apprentice
- b. Prior Sv: 17 Jun 02 - 18 Nov 02 (5 months 2 days) (Inactive).

3. SERVICE UNDER REVIEW:

- a. Enld as A1C on 19 Nov 2002 for 4 Years. Svd: 2 yrs 8 months 20 days, all AMS.
- b. Grade Status: SrA - 19 Mar 05
- c. Time Lost: None.
- d. Art 15's: None
- e. Additional: Memorandum For 15 ADS/CC, Undated - Failed End of Course Exam twice.
Test Score #1: 54%. Test Score #2: 55%.
- f. Court Martial: None.
- g. Record of SV: 19 Nov 02 - 15 Apr 04 Hickam AFB 5 (HAF Dir)
16 Apr 04 - 15 Apr 05 Hickam AFB 3 (Annual) **REF**
- h. Awards and Decs: AFTR, NDSM, GWOTSM, AFOUA, AFOSLTR, SAEMR.
- i. Statement of Sv: TMS: 3 years 1 months 22 days
TAMS: 2 years 8 months 20 days

4. BASIS ADVANCED FOR REVIEW:

ISSUE 1: Narrative Reason for Separation that was used is incorrect. Using the current reason will not permit me to get my MGI Bill of which I feel I am entitled to. Over the course of one year, \$100 per month was deducted from my pay for this entitlement.

ATCH

1. DD Form 214.
2. AF Form 100.
3. VA Benefits Decision.

11JAN06/ia



DEPARTMENT OF THE AIR FORCE
PACIFIC AIR FORCES

FD2005-00406

MEMORANDUM FOR SrA

27 Jul 05

FROM: 15 ADS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance, specifically, failure to progress in on-the-job training (OJT). The authority for this action is AFD 36-32 and AFI 36-3208, Chapter 5, paragraph, 5.26.3. If my recommendation is approved, your service can be characterized as honorable or general. I am recommending that your service be characterized as Honorable.
2. My reasons for this action are:
 - a. On or about 1 Jul 04, you tested for your Career Development Course, in which your final score was 54%, resulting in failure.
 - b. On or about 6 Jan 05, you tested a second time on your Career Development Course, in which your final score was 55%, resulting in failure.
3. Copies of documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising Special Court-Martial jurisdiction or higher authority will decide whether you will be discharged or retained by the Air Force. The commander will also decide how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and can be denied enlistment in any component of the United States Armed Forces. Additionally, any special pay, bonus, or education assistance offered by the Armed Forces may be subject to recoupment.
4. 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 Capt. [redacted] at Area Defense Counsel, building 1113 on 24 Jul 05 at 1430. You may consult civilian counsel at your own expense.
5. You have the right to submit statements on your own behalf. Any statements you want the separation authority to consider must reach me within 3 duty days, or by 1 Aug 05 unless you request and receive an extension for good cause shown. I will forward any statements to the separation authority.
6. If you fail to consult counsel or to submit statements on your own behalf, your failure to do so will constitute a waiver of this privilege.

7. You have been scheduled for a medical examination. You will report to Physical Exams at the 15th Medical Group on 27 Jul 05 at 1245 hours at Primary Care at 1245 hours for your examination.

8. You must report to Separations, in uniform, on 28 Jul 05 at 1100 hours. Separations is located in the Military Personnel Flight, at 449-0658. During this appointment you will surrender your (including family members) active duty ID card(s), and temporary ID(s) will be issued.

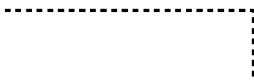

9. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use through your Commander's Support Staff.

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



Commander, 15th Aeromedical Dental Squadron

8 Attachments:

1. Student History Query
2. AF Form 623a
3. CDC Course Examination Failure assessment
4. EPRs
5. Memo from SSgt: 
6. Memo from TSgt: 
7. Acknowledgement and Receipt of Notification
8. Recoupment statement