

# AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		<b>GRADE</b> A1C	<b>AFSN/SSAN</b> <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																																			
<b>TYPE GEN</b>		<b>PERSONAL APPEARANCE</b>	<b>X</b> <b>RECORD REVIEW</b>																																			
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<b>HEARING DATE</b> 28 Jul 2006	<b>CASE NUMBER</b> FD-2005-00446																																					
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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.																																						
<b>SIGNATURE OF RECORDER</b> <i>[Signature]</i>		<b>SIGNATURE OF BOARD PRESIDENT</b>																																				
<b>INDORSEMENT</b>		<b>DATE:</b> 8/3/2006																																				
<b>TO:</b> SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742		<b>FROM:</b> 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-2005-00446**

**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 1. Although not explicitly stated, the applicant contends his discharge was inequitable because it was too harsh. He states that he was not given the opportunity to retrain and the reason for discharge as an unsatisfactory performer is not justified. The records indicated the applicant received four Letters of Reprimand, two Letters of Counseling, a Memorandum for Record, and a Letter of Evaluation for misconduct. The records also indicate applicant had two End of Course failures. In reverse order of occurrence, applicant failed two End of Course Exams by scoring 56 and 60, which is below the minimum required passing score of 65. He failed to complete the Motivational Flight course due to substandard performance, failure to accept responsibility for his actions and the inability to comply with training standards. He received Letters of Reprimand for dereliction of duty and being late for duty on repeated occasions. He was further counseled for misuse of a government computer and failure to go. 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 USAF Moody AFB, GA on 29 Jul 03 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Performance). Appeals for Honorable Discharge.

**2. BACKGROUND:**

a. DOB: 7 Aug 81. Enlmt Age: 18 1/12. Disch Age: 21 11/12. Educ: HS DIPL. AFQT: N/A. A-86, E-72, G-66, M-68. PAFSC: 2A532B - Helicopter Maintenance H-60 Apprentice. DAS: 29 Aug 02.

b. Prior Sv: (1) AFRes 28 Sep 99 - 1 Feb 00 (4 months 4 days) (Inactive).

**3. SERVICE UNDER REVIEW:**

a. Enlisted as AB 2 Feb 00 for 6 yrs. Svd: 03 Yrs 05 Mo 28 Das, all AMS.

b. Grade Status: A1C - 17 Mar 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: LOR, 02 JUL 03 - Late for duty.  
MEMO, 01 JUL 03 - Using tobacco in unauthorized locations, wearing the wrong hat, failing to follow technical data, and being late for work.  
LOR, 25 JUN 03 - Late for duty.  
LOC, 02 JUN 03 - Failure to go.  
LOC, 15 NOV 02 - Misuse of government computer.  
LOE, 23 MAY 02 - Using canteen as a spittoon and lying about it while assigned to the Motivational Flight, failing as a result of it.  
LOR, 08 APR 02 - Late to work.  
LOR, 05 APR 02 - Dereliction of duty.  
EOC, 27 APR 01 - Failure of End of Course Examination.  
EOC, 15 JUN 01 - Failure of End of Course Examination.

f. CM: None.

g. Record of SV: 01 Feb 00 - 01 Oct 01 Moody AFB 5 (Initial)  
02 Oct 01 - 30 Jul 02 Moody AFB 2 (Cmdr Dir) **REF**  
30 Jul 02 - 12 Feb 03 Moody AFB 4 (Cmdr Dir)  
13 Feb 03 - 30 Jun 03 Moody AFB 2 (Cmdr Dir) **REF**

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

i. Stmt of Sv: TMS: (03) Yrs (10) Mos (02) Das  
TAMS: (03) Yrs (05) Mos (28) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 13 Nov 05.  
(Change Discharge to Honorable)

Issue 1: I feel the discharge I received was not only the incorrect one, I should have been given the opportunity to retrain in a Military Occupational Specialty within the needs of the United States Air Force. I do not feel a discharge for Unsatisfactory Performance was justified for being late, allegedly not turning in a tool, and bringing a toy in to work. I failed my CDC's (sic) and was given a waiver for my 5 level. Then I was told that I would be retrained in another MOS and that never happened. I gave 110% all the time. I feel the easy way out for the Air Force was to discharge me. Hopefully this board will see it was not the correct way of handling my situation.

**ATCH**

1. DD Form 214.
2. Three Enlisted Performance Reports.
3. Memorandum For 347 MOS/MXOT, 11 Oct 02.
4. Memorandum For 347 MOS/MXOT, 08 Oct 02.
5. Memorandum For 347 MOS/MXOT, 17 Oct 02.
6. Memorandum For 347 MOS/MXOT, 25 Sep 02.
7. Three Letters of Support.
8. Letter of Reprimand, 14 Feb 03.
9. Letter of Reprimand, 05 Apr 02.
10. Letter of Counseling, 15 Nov 02.

3JAN06/ia

# STAFF SUMMARY SHEET

	TO	ACTION	SIGNATURE (Surname), GRADE AND DATE		TO	ACTION	SIGNATURE (Surname), GRADE AND DATE
1	RQW/CCC	Coord		5			
2	RQW/CCE	Coord		7			
3	RQW/CV	Coord		8			
4	RQW/CC	Sign		9			
5				10			

SURNAME OF ACTION OFFICER AND GRADE

SYMBOL

PHONE

TYPE/ITS  
INITIALS

SUSPENSE DATE

Capt: [ ]

JA

5651

[ ]

## SUBJECT

Administrative Separation - A1C [ ] 347 AMXS

DATE

24 Jul 03

## SUMMARY

1. Tab 1 contains a letter for 347 RQW/CC's signature directing that A1C [ ] be separated with an under honorable conditions (general) discharge without an opportunity for probation and rehabilitation (P&R). Tab 2 contains 347 AMXS/CC's recommendation for an under honorable conditions (general) discharge without P&R for unsatisfactory job performance and the case file. Tab 3 contains the legal review finding the basis for the discharge to be legally sufficient.

2. A1C [ ] consulted military counsel and submitted a response requesting that he be retained, or in the alternative, receive an honorable discharge.

3. 347 AMXS/CC does not recommend barment.

4. As the Special Court-Martial Convening Authority, you have the following options:

- Direct that A1C [ ] be retained;
- Approve an honorable discharge with or without the opportunity for P&R; or
- Approve an under honorable conditions (general) discharge with or without P&R.

## RECOMMENDATION

5. RQW/CC sign the letter at Tab 1 ordering A1C [ ] be discharged under honorable conditions (general).

Staff Judge Advocate

3 Tabs

1. RQW/CC Memo, Barment Letter
2. Case File
3. Legal Review



## DEPARTMENT OF THE AIR FORCE

347TH RESCUE WING (ACC)  
MOODY AIR FORCE BASE, GEORGIA

15 July 2003

MEMORANDUM FOR A1C: [REDACTED] 347 AMXS

FROM: 347 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure to perform assigned duties properly. The authority for this action is AFI 36-3208, paragraph 5.26.1. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

2. My reasons for this action are as follows:

- a. On or about 27 Apr 01, you took the End of Course Exam (EOCE) and scored 56 percent, which is below the minimum required passing score of 65 percent. This was noted in a copy of your Course Examination (Atch 1a).
- b. On or about 15 Jun 01, you took your second EOCE and scored 60 percent, which is below the minimum required passing score of 65 percent. This was noted in a copy of your Course Examination (Atch 1a).
- c. On or about 4 Apr 02, you were derelict in the performance of your duties, to wit: you left your duty section without properly accounting for your tools. For this offense you received a Letter of Reprimand (LOR), dated 5 Apr 02 (Atch 1b).
- d. On or about 5 Apr 02, you were derelict in the performance of your duties, to wit: you were late reporting to your duty section. For this offense you received a LOR, dated 8 Apr 02 (Atch 1c).
- e. On or about 23 May 02, 41 RQS/CC received a Letter of Evaluation (LOE) from TSgt [REDACTED], Motivational Flight Chief. While assigned to the Motivational Flight, you used your canteen as a spittoon. When asked about the contents of the canteen, you stated that it was tap water from your apartment. After pouring out several cups of tobacco juice, you continually denied using tobacco. You failed the Motivational Flight because of these actions (Atch 1d).

f. On or about 13 Sept 02, you received a referral Enlisted Performance Report (EPR). You were rated ineffective for how well you supervise/lead and rated does not comply with minimum training requirements. The rater commented "Unsatisfactory attitude toward training—lacked drive to complete upgrade training waiver requirements following two career development course failures—removed from upgrade training for inadequate progress." "Failed to complete the Motivational Flight course—substandard performance due to integrity issues, failure to accept responsibility for his actions, and inability to comply with training standards—could translate to aircraft maintenance and jeopardize life and equipment."

g. On or about 15 Nov 02, you did, use government property in an unauthorized manner during duty hours, to wit: used the Internet to identify collectible action figures (toys). For this offense you received a Letter of Counseling (LOC), dated 15 Nov 02 (Atch 1e).

h. On or about 6 Feb 03, I notified you that I intended to recommend you be discharged under honorable conditions (general) for failure to perform assigned duties properly. I later withdrew my request in favor of a "90-day observation period." On 1 Jul 03, your supervisor, SSgt [REDACTED], documented your progress during that observation period. In his report, he refers to several instances of verbal counseling for using tobacco in unauthorized locations, wearing the wrong hat, failing to follow technical data, being late for work (Atchs 1f and 1g).

i. On or about 2 Jun 03, you did, fail to report to your duty section on time. For this offense you received a LOC, dated 2 Jun 03 (Atch 1h).

j. On or about 25 Jun 03, you were derelict in the performance of your duties. For this offense you received a LOR, dated 25 Jun 03 (Atch 1i).

k. On or about 2 Jul 03, you did, report late to your duty section. For this offense you received a LOR, dated 2 Jul 03 (Atch 1j).

l. On or about 14 Jul 03, you received a referral Enlisted Performance Report (EPR). You were rated "Inefficient, an unprofessional performer" for how well you performed assigned duties, "fails to meet minimum standards," and "ineffective" in how well you supervise/lead." The rater's comments included, "Numerous infractions related to tobacco use policy and dress and appearance," "Improvement counseling does not last," "Works up to par only under direct supervision."

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 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 will probably be precluded from enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

15 July 2003

MEMORANDUM FOR 347 AMXS/CC

SUBJECT: Receipt of Notification Memorandum

1. I received the notification memorandum, dated 15 July 2003 at 0920 hrs on the 15 day of July 2003, informing me of processing according to AFI 36-3208, paragraph 5.26.1.
2. I understand that I have the right to:
  - a. Consult counsel.
  - b. Submit statements in my own behalf.
  - c. Waive either of the above rights.
3. I acknowledge that:
  - a. I have received copies of the documents to be forwarded to the separation authority in support of the recommendation for my discharge.
  - b. I have been given an appointment to consult military counsel.
4. I understand that:
  - a. This action may result in my discharge from the Air Force with an honorable discharge.
  - b. My failure to consult counsel or to submit statements will constitute a waiver of my rights to do so.

347<sup>th</sup> AMXS





# DEPARTMENT OF THE AIR FORCE

347TH RESCUE WING (ACC)  
MOODY AIR FORCE BASE, GEORGIA

6 February 2003

MEMORANDUM FOR A1C: [REDACTED] 347 AMXS

FROM: 347 AMXS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure to perform assigned duties properly. The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.26.1. If my recommendation is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as under honorable conditions (general).

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e. On or about 23 May 02, you received a Letter of Evaluation (LOE) from TSgt [REDACTED] [REDACTED], Motivational Flight Chief. While assigned to the Motivational Flight you did use your canteen as a spittoon. When asked about the contents of the canteen, you stated that it was tap water from your apartment. After pouring out several cups of tobacco juice, you continually denied using tobacco. You failed the Motivational Flight because of these actions (Atch 1d).

f. On or about 13 Sept 02, you did, receive a referral Enlisted Performance Report (EPR). You were rated ineffective for how well you supervise/lead and rated does not comply with minimum training requirements. The rater commented "Unsatisfactory attitude toward training—lacked drive to complete upgrade training waiver requirements following two career development course failures—removed from upgrade training for inadequate progress." "Failed to complete the Motivational Flight course—substandard performance due to integrity issues, failure to accept responsibility for his actions, and inability to comply with training standards—could translate to aircraft maintenance and jeopardize life and equipment." (Atch 1e)

g. On or about 15 Nov 02, you did, use government property in an unauthorized manner during duty hours, to wit: used the Internet to identify collectible action figures (toys). For this offense you received a Letter of Counseling (LOC), dated 15 Nov 02 (Atch 1f).

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 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 will probably be precluded from enlistment in any component of the armed forces. Any special pay, bonus, or education assistance funds may be subject to recoupment.

3. 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. \_\_\_\_\_; Area Defense Counsel, in Building 5107 Austin Ellipse, Moody AFB, GA, extension (DSN) 460-3421, on **7 February 2003 at 0900 hrs**. Please take your copy of this Notification Memorandum and attachments with you to your appointment. You may consult civilian counsel at your own expense.

4. You have the right to submit a statement in your own behalf. Any statements you want the separation authority to consider must reach me within **three** duty days after receipt of this notification letter unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to the Moody Air Force Base Hospital, Public Health, Building 3296, on **10 February 2003 at 1020 hrs** for the examination. This is a mandatory appointment. Be sure to bring your medical records to this appointment.

7. 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 orderly room.

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



Commander, 347 AMXS

**Attachments:**

1. Supporting Documents, Reasons for Discharge
  - a. Copy of Course Examination, 27 Apr 01
  - b. Copy of Course Examination, 15 Jun 01
  - c. LOR, 5 Apr 02
  - d. LOR, 8 Apr 02
  - e. LOE, 23 May 02
  - f. Referral EPR, 13 Sept 02
  - g. LOC, 15 Nov 02
2. Receipt of Notification Memorandum