

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 AMN	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE HON	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <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>	YES	No		X		
YES	No					
	X					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px dashed black; width: 100%; height: 100%;"></div>					X**
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ISSUES A95.00 A01.00	INDEX NUMBER A13.00	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; background-color: #cccccc;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr><td style="width:20px; text-align: center;">1</td><td>ORDER APPOINTING THE BOARD</td></tr> <tr><td style="text-align: center;">2</td><td>APPLICATION FOR REVIEW OF DISCHARGE</td></tr> <tr><td style="text-align: center;">3</td><td>LETTER OF NOTIFICATION</td></tr> <tr><td style="text-align: center;">4</td><td>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 HE</td></tr> </tbody> </table>	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
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HEARING DATE 14 Sep 2006	CASE NUMBER FD-2005-00448	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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.

* Reason and Authority
 + RE Code

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT
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INDORSEMENT	DATE: 9/18/2006
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-2005-00448

GENERAL: The applicant appeals for a change of reenlistment code and change of reason and authority for the 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: Request for change of reenlistment code and change of reason and authority for discharge 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 has requested a change of the reenlistment code and change of the reason and authority for his discharge. He contends that his ability to do his job was not affected by his weight. The records indicated the applicant received six Letters of Reprimand and a Letter of Counseling for failure to meet the Air Force weight standards. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the reenlistment code and reason and authority for the discharge received by the applicant were 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 AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF Grand Forks AFB, ND on 24 Aug 94 UP AFR 39-10, para 5-62 (Failure in Weight Management Program). Appeals for a Change in RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 30 Dec 71. Enlmt Age: 18 5/12. Disch Age: 22 7/12. Educ: HS DIPL. AFQT: N/A. A-79, E-38, G-44, M-28. PAFSC: 3P051 - Security Journeyman. DAS: 1 Jul 94.

b. Prior Sv: (1) AFRes 26 Jun 90 - 2 Dec 90 (5 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 3 Dec 90 for 4 yrs. Svd: 03 Yrs 08 Mo 22 Das, all AMS.

b. Grade Status: Amn - 5 Jul 94 (Demotion, SO# A-007, 14 Jul 94)
A1C - 3 Apr 92
Amn - Unknown

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AF FORM 393, 28 JUL 94 - Failed to make satisfactory progress in the Weight Management Program.

LOR, 16 MAY 94 - Failed to make satisfactory progress in the Weight Management Program.

LOR/CR, 28 DEC 93 - Failed to make satisfactory progress in the Weight Management Program.

LOR/UIF, 21 OCT 93 - Failed to make satisfactory progress in the Weight Management Program.

LOR, 17 SEP 93 - Failed to make satisfactory progress in the Weight Management Program.

LOR/UIF, 2 OCT 91 - Financial irresponsibility and lying.

RIC, 25 SEP 91 - Financial irresponsibility.

LOR, 21 MAY 91 - Failure to obey a lawful order.

f. CM: None.

g. Record of SV: 3 Dec 90 - 2 Aug 92 Grand Forks AFB 3 (Initial)
3 Aug 92 - 4 Apr 93 Grand Forks AFB 4 (CRO)
5 Apr 93 - 4 Apr 94 Grand Forks AFB 3 (Annual)

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

i. Stmt of Sv: TMS: (04) Yrs (01) Mos (29) Das
TAMS: (03) Yrs (08) Mos (22) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 14 Nov 05.
(Change Discharge to the RE Code, Reason and Authority for Discharge)

Issue 1: Upgrade to say Secretarial Authority. Also request to have and (sic) RE Code upgrade. I believe my ability to do my job while in the service was not effected. Also, the reason for the RE Code upgrade - future military duty or governmental job.

ATCH

None.

4JAN05/ia

PD2005-00448



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 319TH AIR REFUELING WING (AMC)
GRAND FORKS AIR FORCE BASE, NORTH DAKOTA

5 AUG 94

MEMORANDUM FOR Amn: [REDACTED]

FROM: 448 MS/CC

SUBJECT: Notification Letter

1. I am recommending your discharge from the United States Air Force for failure in the weight control program. The authority for this action is AFR 39-10, paragraph 5-62. If my recommendation is approved, your service will be characterized as honorable.

2. My reasons for this action are:

a. You failed, on or about 28 Jul 94, to make satisfactory progress in the weight management program as is reflected by AF Form 393.

b. You failed, on or about 13 May 94, to make satisfactory progress in the weight management program for which you received a LOR dated 16 May 94.

c. You failed, on or about 27 Dec 94, to make satisfactory progress in the weight management program, for which you received a LOR dated 28 Dec 93. Additionally you were placed on the Control Roster.

d. You failed, on or about 21 Oct 93, to make satisfactory progress in the weight management program, for which you received a LOR/UIF dated 21 Oct 93.

e. You failed, on or about 17 Sep 93, to make satisfactory progress in the weight management program, for which you received a LOR dated 17 Sep 93.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The Commander exercising SPCM jurisdiction or 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.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. You have been scheduled an appointment at the Office of the Area Defense Counsel at Building 216 on 5 AUG 94 at 1300 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 10 AUG 94 at 1630 hours 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 319th Medical Group on 10 AUG 94 at 0730 hours for the examination.
7. Deliver to me immediately your military identification card and those of your dependents. I have requested that temporary identification cards be issued IAW AFR 30-20, paragraph 2-9. You will report to me by COB 5 AUG 94, to verify that issuance of Temporary Identification Card(s) has been accomplished.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, Atch 2. A copy of AFR 39-10 is available for your use in the squadron orderly room.
9. Execute the attached acknowledgment and return it to me immediately.



Commander, 448 MS

5 Attachments:

1. Supporting Documents
 - a. AF Form 393
 - b. LOR, 16 May 94
 - c. LOR, 28 Dec 93
 - d. LOR/UIF, 21 Oct 93
 - e. LOR, 17 Sep 93
 - f. Administrative Demotion
 - g. AF Form 108
2. Other Derogatory Data
3. Airman's Acknowledgment
4. EPRs
5. RIP