

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []		GRADE A1C	AFSN/SSAN []			
TYPE HON	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[]						X**
						X**
						X**
						X**
						X**
ISSUES	INDEX NUMBER	EXHIBITS SUBMITTED TO THE BOARD				
A94.53	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 HE			
HEARING DATE	CASE NUMBER					
28 Sep 2006	FD-2005-00463					
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>* Reason and Authority + Reenlistment Code</p>						
SIGNATURE OF RECORDER [] SIGNATURE OF BOARD PRESIDENT []						
INDORSEMENT						
TO:				DATE: 10/2/2006		
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**FD-2005-00463**

GENERAL: The applicant appeals to change the reason and authority for the discharge, 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: Change of reason and authority for 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 requests that the reason (unsatisfactory performance) for his discharge be changed and also requested to have his reenlistment code changed to be eligible for reenlistment into the United States Air Force. 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. This reason includes individuals who fail to upgrade in a timely manner or, as is in this case, fail to pass the Career Development Course exam twice. The Board concluded the reason for the discharge received by the applicant was 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 HON Disch fr USAF Vandenberg AFB, CA on 7 Sep 01 UP AFI 36-3208, 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job-Training). Appeals for A Change in RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 30 Dec 81. Enlmt Age: 17 0/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-51, E-43, G-36, M-78. PAFSC: 3P031 - Security Forces Apprentice. DAS: 13 Nov 99.

b. Prior Sv: (1) AFRes 30 Dec 98 - 15 Jun 99 (5 months 16 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 16 Jun 99 for 6 yrs. Svd: 02 Yrs 02 Mo 22 Das, all AMS.

b. Grade Status: A1C - 30 Jul 99

c. Time Lost: None.

d. Art 15's: None.

e. Additional: 23 OCT 00 - End of Course Exam failure.
16 JAN 01 - End of Course Exam failure.
LOR, 02 MAY 01 - Underage possession of alcohol.

f. CM: None.

g. Record of SV: 16 Jun 99 - 15 Jan 01 Vandenberg AFB 4 (HAF Dir)
16 Jan 01 - 19 Jul 01 Vandenberg AFB 3 (HAF Dir)

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

i. Stmt of Sv: TMS: (02) Yrs (08) Mos (09) Das
TAMS: (02) Yrs (02) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 28 Nov 05.
(Change Discharge to Change the RE Code, Reason and Authority for Discharge)

Issue 1: I am trying to reenlist into the Air Force and cannot (sic) with my reentry code. I would also like my separation (sic) code changed also.

ATCH

1. Personal statement.
2. Three Character References.
3. Two Enlisted Performance Reports.
4. Response to Administrative Discharge.
5. Memorandum For 30 SFS/CC, 21 Aug 01.

18JAN05/ia

FD 2005-00463



DEPARTMENT OF THE AIR FORCE
30TH SPACE WING (AFSPC)

MEMORANDUM FOR A1C: [redacted]

AUG 14 2001

FROM: 30 SFS/CC

SUBJECT: Notification of Administrative Discharge Action Under AFI 36-3208

1. I am recommending your discharge from the United States Air Force for failure to progress in on-the-job training (OJT). The authority for this action is AFPD 36-32 and AFI 36-3208, Paragraph 5.26.3. If my recommendation is approved, your discharge may be characterized as General, Under Honorable Conditions. I am recommending that your discharge be characterized as Honorable.

2. My reasons for this action are:

a. On or about 23 Oct 00, you failed your Career Development Course (CDC) Final Exam with a score of 60%. The minimum passing score on your CDC is a 65%.

b. On or about 16 Jan 01, you failed your CDC Final Exam for a second time with a score of 59%.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. 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 discharge action is approved, how your discharge will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force. Furthermore, any special pay, bonuses, or education assistance you have received 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 the Area Defense Counsel, Building 8500, ext. 6-3627/28, at _____ hours on _____. You may consult civilian counsel at your own expense.

5. You have the right to submit matters on your own behalf. Any matters you wish to submit for consideration by the separation authority must reach me within **3 duty days** unless you request and receive an extension from me for good cause shown. I will forward any matters submitted by you to the separation authority.

6. If you fail to consult counsel or to submit matters in your own behalf within 3 duty days without an approved extension, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a medical examination. You must report to 30 MDG at 1550 hours on 15 Aug 01.

8. Any personal information you furnish in rebuttal to this action is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use at the office of the Area Defense Counsel, Building 8500.

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

[Redacted signature box]

Commander

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Attachments

1. Commander's Evaluation, 7 Dec 00 w/ attached CDC Final Exam Score, 23 Oct 00
2. Commander's Evaluation, 9 Feb 01 w/ attached CDC Final Exam Score, 16 Jan 01
3. Memorandum from TSgt: [Redacted] dtd 1 June 00
4. Memorandum from SFOA/MSgt: [Redacted]
5. Letter of Reprimand dtd 2 May 01
6. Memorandum from TSgt: [Redacted] dtd 6 June 01
7. Memorandum for Record dtd 3 July 01