

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []	GRADE AMN	AFSN/SSAN []
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TYPE HON	PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 2px;">COUNSEL</th> </tr> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px; text-align: center;">X</td> </tr> </table>	COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
COUNSEL									
YES	No								
	X								

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
[]					X
[]					X
[]					X
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[]					X

ISSUES A94.05	INDEX NUMBER A49.00	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 2px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> <tr> <td style="padding: 2px; text-align: center;">1</td> <td style="padding: 2px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 2px; text-align: center;">2</td> <td style="padding: 2px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 2px; text-align: center;">3</td> <td style="padding: 2px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px; text-align: center;">4</td> <td style="padding: 2px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td colspan="2" style="padding: 2px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td colspan="2" style="padding: 2px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td colspan="2" style="padding: 2px;">TAPE RECORDING OF PERSONAL APPEARANCE (IE</td> </tr> </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 (IE	
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HEARING DATE 22 Feb 2007	CASE NUMBER FD-2006-00253	
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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.

X – Deny Reason and Authority and Reenlistment Code

[]

<p align="center">INDORSEMENT</p> <p>TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742</p>	<p align="right">DATE: 2/22/2007</p> <p>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</p>
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2006-00253

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 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 reason and authority or a change of reenlistment code.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Honorable discharge for Unsatisfactory Performance. He failed three technical training written tests and was eliminated from the course. The applicant had personal problems that he did not disclose to the instructors until he was eliminated from the course. The Board declined to change the reason and authority for discharge noting that there were no inequities or improprieties that would justify these changes.

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 AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF Lackland AFB, TX on 17 Dec 04 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Performance). Appeals for a Change in RE Code and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 6 Dec 84. Enlmt Age: 19 1/12. Disch Age: 20 0/12. Educ: HS DIPL. AFQT: N/A. A-81, E-79, G-80, M-84. PAFSC: 3P011 - Security Forces Helper. DAS: 5 Jul 04.

b. Prior Sv: (1) AFRes 5 Feb 04 - 17 May 04 (3 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 18 May 04 for 4 yrs. Svd: 00 Yrs 07 Mo 00 Das, all AMS.

b. Grade Status: Amn - 18 Nov 04

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AETC 125A, 28 OCT 04 - Removed from training.
AETC 173, 15 OCT 04 - Failed Test 1 Version A.
AETC 173, 04 OCT 04 - Failed Test 1 Version B.
AETC 173, 30 SEP 04 - Failed Test 1 Version A.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (00) Yrs (10) Mos (13) Das
TAMS: (00) Yrs (07) Mos (00) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Jun 06.
(Change the RE Code, Reason for Discharge)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Three Character References.

03AUG06/ia

JUN 29 2006

FD2006-00253

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004 OMB approval expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

a. BRANCH OF SERVICE (X one) ARMY MARINE CORPS NAVY X AIR FORCE COAST GUARD
b. NAME (Last, First, Middle Initial)
c. GRADE/RANK AT DISCHARGE E2
d. SOCIAL SECURITY NUMBER

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) 20041217
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION 343 Training Sq (AET), Lackland AFB
4. DISCHARGE CHARACTERIZATION RECEIVED (X one) X HONORABLE
5. BOARD ACTION REQUESTED (X one) X CHANGE NARRATIVE REASON FOR SEPARATION TO: RE Code change

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) I would like a change to my Narrative and RE Code so that I may enlist into the Air National Guard.

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.) Attached is a Description of Incident and letters of recommendation.

9. TYPE OF REVIEW REQUESTED (X one)

X CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.)

10. a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See item 10 of the instructions about counsel/representative.)
b. TELEPHONE NUMBER (Include Area Code)
c. E-MAIL
d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate and relationship by marking a box below.
SPOUSE WIDOW WIDOWER NEXT OF KIN LEGAL REPRESENTATIVE OTHER (Specify)

12. a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.)
b. TELEPHONE NUMBER (Include Area Code)
c. E-MAIL
d. FAX NUMBER (Include Area Code)

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.) CASE NUMBER (Do not write in this space.)

a. SIGNATURE - REQUIRED (Applicant or person in item 11 above)
b. DATE SIGNED - REQUIRED (YYYYMMDD) 20060626
FD2006-00253

Date: 09 June, 2006

Description of Incident(s):

After I successfully completed Basic Military Training, I started my technical training at the Security Forces Academy. I was again on my way to completing my training, on time and with high marks, having scored highly on all tests up until that point. I injured my shoulder, which removed me from training. After spending a few months in a sling, with no physical activity, my shoulder healed and I was set to resume training. Not long after being back and just before my first test back, I was informed that my father had suffered from a heart attack and that my uncle had a stroke. With my mind filled with thoughts and worries about this information and constant phone calls from home, I was unable to properly prepare for my test. I failed my test three times, each time scoring a little better than the time before. As a result of this, I was given an honorable discharge due to unsatisfactory performance.


Individual's role/involvement and the outcome of the incident(s):

I believe my lack of ability to concentrate due to personal reasons, directly contributed to my failing the written test and ultimately my discharge. I'm confident that I can complete the training and graduate from the Security Forces Academy.

Events from incident(s) to current date:

Since I've been back, I have taken a few classes at Owens Community College. I am also currently employed full-time as a security guard at BAX Global, by Continental Secret Service Bureau.

"I understand my omission of any information required for a thorough evaluation of this waiver request could result in the disapproval of my application for enlistment into the Air National Guard. Also, I understand that the omission of any information that is later discovered after enlistment could result in a discharge from the Air National Guard."


(Signature of Applicant/Member)


(Signature of Recruiter/MPF Representative)



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

24 NOV 2004

F022006-00253

MEMORANDUM FOR AB: [REDACTED]

FROM: 343 TRS/DOM

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance or Conduct, specifically, Unsatisfactory Duty Performance. The basis for this action is AFPD 36-32 and AFI 36-3208, paragraph 5.26.1. If my recommendation is approved, your service could be described as Honorable or Under Honorable Conditions (General). I am recommending your service be characterized as Honorable.

2. My reasons for this action are:

a. On 30 Sep 04, you failed your written Test 1, Version A, with a score of 54 percent. The minimum passing score is 70 percent. As a result, you were counseled as reflected on an AETC Form 173, dated 30 Sep 04 and you were provided four hours of Special Individual Assistance (SIA) on 30 Sep 04 and 1 Oct 04.

b. On 4 Oct 04, you failed your written retest, Test 1, Version B, with a score of 54 percent. The minimum passing score is 70 percent. As a result, you were counseled as reflected on an AETC Form 173, dated 4 Oct 04.

c. On 15 Oct 04, you failed your written retest, Test 1, Version A, with a score of 58 percent. The minimum passing score is 70 percent. As a result, you were counseled as reflected on an AETC Form 173, dated 15 Oct 04 and you were eliminated from the course.

3. 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.

4. You have the right to consult counsel. If you wish to consult military counsel, an appointment will be made upon your request and the date, time, and place will be provided. You may retain 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 by (3 workdays) 1 Dec 04 unless you request and receive an extension for good cause shown. Your statements will be forwarded to the separation authority and will be made part of your case file that the separation authority will read.

6. If you fail to consult counsel or to submit statements on your own behalf, your failure will constitute a waiver of your right to do so.

FD2006-00253

7. You have been scheduled for a medical examination. You must report to Bldg 6612, Room 502, Monday – Friday between 1300 – 1500 hours with your medical, immunization, and dental records for the examination.

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 Personnel Office.

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



Commander, Military Training Flight

Attachments:

1. AETC Form 125A, dated 28 Oct 04
2. Student Training Report
3. Student Tracking Sheet
4. AETC Form 173, dated 30 Sep 04
5. AETC Form 173, dated 4 Oct 04
6. AETC Form 173, dated 15 Oct 04