

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL.) <div style="border: 1px dashed black; width: 100%; height: 20px;"></div>		GRADE AMN	AFSN/SSAN <div style="border: 1px dashed black; width: 100%; height: 20px;"></div>				
TYPE GEN		PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL YES No X		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
MEMBER SITTING			VOTE OF THE BOARD				
<div style="border: 1px dashed black; width: 100%; height: 100px;"></div>			HON	GEN	UOTHC	OTHER	DENY
			X				
			X				
							X
							X
ISSUES A94.03 A94.05		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 Mar 2007		CASE NUMBER FD-2006-00333					
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>							
<div style="border: 1px dashed black; width: 100%; height: 40px;"></div>							
INDORSEMENT				DATE: 4/16/2007			
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-2006-00333

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:

Applicant contends that he was treated unfairly in regards to the lack of instruction he received in preparing for his Career Development Course (CDC) exams. The record indicates that the applicant failed his CDC end-of-course exam, twice. In addition, the applicant received two Letters of Reprimand (failure to go) and an Article 15 for negligently failing to successfully progress in CDC program. The record did indicate that on the first failed CDC the supervisor involvement with the applicant's training was limited, but on his second failure the record indicates that proper intervention from the unit was provided. The Board noted that a common observation was made regarding the applicant's attitude toward studying--lacked motivation and procrastination. In the commander's review, the commander stated that the applicant's supervisory chain ranked his performance as low and did not put forth any additional effort during his off-duty. He (the commander) noted that the applicant received a marginal on physical fitness assessment and failed a training qualification. The Board noted that the Article 15 for negligently failing to successfully progress in CDC program was harsh considering the applicant failed his CDC exam over 30 days prior to receiving the Article 15. Although the Article 15 was found to be too harsh, the applicant's misconduct offset any positive aspects of his duty performance. Therefore the Board found the characterization of the discharge received by the applicant 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.

However, the Board does recommend that if the applicant can provide additional documented information to substantiate his issue, he should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide any factual evidence, exemplary post-service accomplishments as well as contributions made in the community.

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 GEN Disch fr USAF Barksdale AFB, LA on 16 Sep 05 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job Training). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Aug 83. Enlmt Age: 19 1/12. Disch Age: 22 1/12. Educ: HS DIPL. AFQT: N/A. A-37, E-39, G-40, M-36. PAFSC: 3P031 - Security Forces Apprentice. DAS: 30 Oct 03.

b. Prior Sv: (1) AFRes 23 Aug 02 - 14 Apr 03 (7 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 15 Apr 03 for 4 yrs. Svd: 02 Yrs 05 Mo 02 Das, all AMS.

b. Grade Status: Amn - 25 Jul 05 (Article 15, 25 Jun 05)
A1C - 15 Aug 04
Amn - 15 Oct 03

c. Time Lost: None.

d. Art 15's: (1) 25 Jul 05, Barksdale AFB, LA - Article 92. You, who knew or should have known of your duties, between on or about 22 Dec 04 and on or about 1 Jun 05, were derelict in the performance of those duties in that you negligently failed to successfully progress in the Career Development Course program, as it was your duty to do. Reduction to Airman, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: AF FORM 2096, 28 JUN 05 - AFSC withdrawn.
01 JUN 05 - Second CDC end of course examination failure.
22 DEC 04 - First CDC end of course examination failure.
LOR, 31 JUL 04 - Failure to go to four appointments.
23 JUL 04 - Failure to go.

f. CM: None.

g. Record of SV: 15 Apr 03 - 14 Dec 04 Barksdale AFB 3 (Initial)
15 Dec 04 - 26 Jul 05 Barksdale AFB 2 (Cmdr Dir) REF

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

i. Stmt of Sv: TMS: (03) Yrs (00) Mos (24) Das
TAMS: (02) Yrs (05) Mos (02) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 23 Aug 06.
(Change Discharge to Honorable)

Issue 1: Considering the circumstances of my departure from the military, I, [REDACTED], feel that I was treated unfairly with regards to the lack of instruction I received in preparing for my CDCs. My first attempt at taking the test, I failed to meet the requirement by ten points. One may clearly tell upon reviewing my first supervisor course survey why such an event may have occurred. However, in my second attempt, I only failed to meet the requirement by one point, which can be seen in my test summary.

As for the lack of motivation witnessed on the part of my supervisor, I can only state that I am not a good test-taker, but I did put forth a great deal of effort in trying to pass the test. Granted, I went to the military to gain more insight into various career fields, I dislike the fact that this experience has only placed me at a disadvantage as I seek to obtain a secure job placement.

ATCH

1. End of Course Exam Results.
2. On-The-Job-Training Documentation.

21SEP06/ia



FD2006-00333

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LA

MEMORANDUM FOR AMN: _____

2 Sept 2005

FROM: 2 SFS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for failure to progress in on-the-job training. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section E, Paragraph 5.26.3. If your discharge is approved, your service will be characterized as honorable or under honorable conditions (general). I am recommending that your service be characterized as general.
2. My reasons for this action are:
 - a. On or about 1 Jun 05, you scored 64% on the Career Development Course end-of-course exam. The minimum passing score is 65%. This was your second failure.
 - b. On or about 22 Dec 04, you scored 54% on the Career Development Course end-of-course exam. The minimum passing score is 65%. This was your first failure.
3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, the commander will determine how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds 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 _____, Area Defense Counsel, Building 4714, third floor, phone number 456-8355 at 1030 hours on 2 Sept 2005. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 0900 hours on 8 Sept 05 2005 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. 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.
7. You have been scheduled for a medical examination. You must report to the 2nd Medical Group, Physical Exam Section at _____ hours on _____ 2005 and an additional examination will be scheduled if necessary.
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 orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

A

Commander, 2d Security Forces Squadron

Attachments:

1. Receipt of Notification Memorandum
2. Trainee's Background Information Worksheet (2nd Failure), undated
3. Trainee's Background Information Worksheet (1st Failure), undated
4. Nonjudicial Punishment, AF Form 3070, 25 Jul 05
5. Letter of Reprimand, 31 Jul 04
6. Letter of Reprimand, 23 Jul 04