

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
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	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 A95.00 A01.00	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 IIE

HEARING DATE 20 Mar 2007	CASE NUMBER FD-2006-00363	
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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
 + Reenlistment Code

INDORSEMENT		DATE: 3/29/2007
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-2006-00363

GENERAL: The applicant appeals to change the reason and authority for 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: Request for change of reason and authority for discharge and change of reenlistment code are denied.

The Board finds the applicant submitted no issues contesting the equity or propriety of the discharge, and after a thorough review of the record, the Board was unable to identify any that would justify a change of discharge.

ISSUE:

Applicant requests that the reason (unsatisfactory performance) for his discharge be changed to "Failure to progress in OJT" or "For the Convenience of the Government." Applicant concludes that he should not be labeled with "Unsatisfactory Performance" and has expressed a desire to reenlist into the armed forces. 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 (OJT). This reason would include individuals who fail to upgrade in a timely manner or as is in his case failed to pass the Career Development Course (CDC) exam on two separate occasions. An involuntary discharge for the Convenience of the Government would only be appropriate when discharge would serve the best interests of the Air Force and the discharge for cause is not warranted. The Board concluded the reason for 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 AMN) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a HON Disch fr USAF Columbus AFB, MS on 12 Jun 01 UP AFI 36-3208, para 5.26.3 (Unsatisfactory Performance - Failure to Progress in On-The-Job Training). Appeals for a Change in RE Code, and the Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 10 Jul 80. Enlmt Age: 19 1/12. Disch Age: 20 11/12. Educ: HS DIPL. AFQT: N/A. A-92, E-53, G-36, M-21. PAFSC: 3S031 - Personnel Apprentice. DAS: 13 Mar 00.

b. Prior Sv: (1) AFRes 10 Aug 99 - 22 Nov 99 (3 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 23 Nov 99 for 4 yrs. Svd: 01 Yrs 06 Mo 20 Das, all AMS.

b. Grade Status: Amn - 23 May 00

c. Time Lost: None.

d. Art 15's: None.

e. Additional: AFIADL FORM 9, 20 NOV 00 - Failed end of course exam for second time.
AFIADL FORM 9, 20 FEB 01 - Failed end of course exam for first time.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (01) Yrs (10) Mos (03) Das
TAMS: (01) Yrs (06) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 09 Sep 06.
(Change Discharge to RE Code, and the Reason for Discharge)

Issue 1: I wish to have my discharge upgraded to Honorable and to have my discharge code change (sic) to RE 1, for the purpose of reentering the Air Force. I wish to reenter the Air Force. It was a mistake at the time to except discharge rather than to retrain as offered. The Air Force was the best thing

that ever happen (sic) to me and as I have matured, I realize that now. I went in with encouragement from family - now I want to go in because "I" want to. It's all I think of.

Issue 2: Please consider and approve this request. I realize all I've missed, the opportunity where I'd be if I remained in. I don't want this time around to be like the 1st. I promise to give my 100%. In order for me to reenter I must have my RE Code change (sic) to "1" with an Honorable discharge. Thank you so much for your consideration. Lastly, I don't want to go into any other branch of service, just the USAF.

ATCH

None.

01NOV06/ia



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

FD 2006-00363

MEMORANDUM FOR AMN: [REDACTED]

MAY 21 2001

FROM: 50 FTS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance, specifically Failure to Progress in on the job training (OJT). The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airman*, Chapter 5, *Reasons For Involuntary Separation*, Section E, *Unsatisfactory Performance*, Paragraph 5.26.3, *Failure to Progress in on-the-job-training (OJT)*. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as honorable.

2. My reasons for this action are:

a. On 20 Nov 00, you failed the end of course examination for a required course, number 3S051A. Your score was 54; you needed a passing score of 65. As a result, you were entered into supervised study in an effort to prepare you for your retest (see Atch 1).

b. On 24 Jan 01, you were briefed on the consequences if you were to fail your end of course examination a second time. In an effort to overcome your unsatisfactory performance, it became mandatory for you to study two hours a day during the week and MSgt: [REDACTED]; your previous supervisor also continued with your training (see Atch 2).

c. On 20 Feb 01, you failed the end of course examination for a required course, number 3S051A. Your score was 57; you needed a passing score of 65. This was your second test failure for the same course. This second failure has rendered you unfit to continue in your AFSC (see Atch 3).

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 and, if you are discharged, how your discharge 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. Please consult the Area Defense Counsel (Capt: [REDACTED] or Capt: [REDACTED]) at Keesler AFB at DSN 597-2429 or (228) 377-2429. 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 COB 24 MAY 2001 (three workdays from your receipt of this notification memorandum) 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 Columbus AFB Clinic, Physical Exam Section at 0730 on 22 May 01 for the examination.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act. A copy of AFI 36-3208 is available for your use in your unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.

[Redacted Signature Box]

Commander, 50 FTS

Attachments:

1. Copy of AF Form 9, dated 20 Nov 00
2. Memo, dated 7 May 01
3. Copy of AF Form 9, dated 20 Feb 01
4. Airman's Receipt of Notification Memorandum