

# 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  <b>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																																			
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HEARING DATE <b>10 May 2007</b>		CASE NUMBER <b>FD-2007-00049</b>																																				
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>X – Upgrade of discharge, change of reason and authority, and change of reenlistment code are denied.</p> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>																																						
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

FD-2007-00049

**GENERAL:** The applicant appeals for upgrade of discharge to honorable, to change reason 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:** Upgrade of discharge, 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 contends he had problems with the language but has improved his English. He admits he made some mistakes but learned his lesson. Applicant has expressed a desire for upgrade so that he may reenlist into the armed forces. The record indicates the applicant received a General discharge for Unsatisfactory Performance. He received two AETC 173s for failing Services Apprentice course Block III test, two Article 15s for providing alcoholic beverages to minors and resisting apprehension and an AETC 125A for removal from training. The records indicated the applicant was given 1.5 hours of specialized individual assistance and other numerous opportunities but still failed to satisfactorily progress. He had also been reclassified into Services Apprentice because of academic problems. After a review of the records, the Board found no clear evidence of inequity or impropriety on which to base a decision to change the characterization, reason for discharge and reenlistment code.

**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

[REDACTED]  
(Former AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Lackland AFB, TX on 7 Dec 06 UP AFI 36-3208, para 5.26.1 (Unsatisfactory Duty Performance). Appeals for Honorable Discharge, Change the RE Code, and Reason for Discharge.

2. **BACKGROUND:**

a. DOB: 5 Feb 79. Enlmt Age: 26 1/12. Disch Age: 27 10/12. Educ: HS DIPL. AFQT: N/A. A-49, E-80, G-36, M-33. PAFSC: 3M011 - Services Helper. DAS: 30 Jul 06.

b. Prior Sv: (1) AFRes 31 Mar 05 - 28 Nov 05 (7 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 29 Nov 05 for 4 yrs. Svd: 01 Yrs 00 Mo 09 Das, all AMS.

b. Grade Status: AB - 17 Oct 06 (Article 15, 17 Oct 06)  
Amn - 30 Mar 06 (Article 15, 30 Mar 06)

c. Time Lost: None.

d. Art 15's: (1) 17 Oct 06, Lackland AFB, TX - Article 92. You, who knew or should have known of your duties at or near San Antonio, Texas, on or about 16 Sep 06, were derelict in the performance of those duties in that you willfully failed to refrain from providing alcohol to minors who were under the legal age of 21, as it was your duty to do. Reduction to AB, forfeiture of \$200.00 pay per month for 2 months. Reprimand. (No appeal) (No mitigation)

(2) 30 Mar 06, Keesler AFB, TX - Article 92. You, who knew or should have known of your duties, on or about 24 Feb 06, were derelict in the performance of those duties in that you negligently failed to refrain from providing alcoholic beverages to a minor, as it was your duty to do. Article 95. You, did, on or about 24 Feb 06, resist being apprehended by A1C [REDACTED] a security forces member, a person authorized to apprehend you. Reduction to Airman. Suspended forfeiture of \$713.00 pay. (Appeal/Denied) (No mitigation)

e. Additional: AETC 125A, 16 NOV 06 - Removed from training.  
AETC 173, 16 AUG 06 - Failed Block III test for the second time.

AETC 173, 14 AUG 06 - Failed Block III test.

- f. CM: None.
- g. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM, GWOTSM.
- i. Stmt of Sv: TMS: (01) Yrs (08) Mos (07) Das  
TAMS: (01) Yrs (00) Mos (09) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 07 Feb 07.

(Change Discharge to Honorable, Change the RE Code, and Reason for Discharge)

Issue 1: I really want you to please reconsider my discharge because I want to join the Armed Forces again. I was in the Air Force and I failed the F-16 Tech School and they send (sic) me to Services and I failed again. I had problems with the language but now I improve (sic) my English. I made some mistakes but I learned my lesson. I want you to consider change (sic) my discharge because it said for "unsatisfactory duty" and it is suppose to be for "Academic Reasons". The type of discharge doesn't allowed (sic) me to make my dreams come true. Please I need your help.

**ATCH**  
None.

12APR07/ia



DEPARTMENT OF THE AIR FORCE  
AIR EDUCATION AND TRAINING COMMAND

PD 2007-00049  
2 NOV 2006

MEMORANDUM FOR AB: \_\_\_\_\_

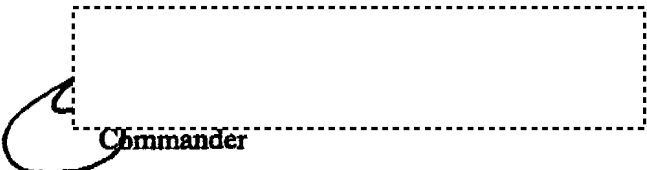
FROM: 344 TRS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for *Unsatisfactory Duty Performance*. The basis for this action is AFD 36-32 and AFI 36-3208, paragraph 5.26.1. If my recommendation is approved, your service will be characterized as Under Honorable Conditions (General) and you may be ineligible for reenlistment in the Air Force.
2. My reasons for this action are:
  - a. On 14 Aug 06, you failed your written Block III test, with a score of 63 percent. The minimum passing score is 70 percent. As a result, you were counseled as reflected on the AETC IMT 173, dated 14 Aug 06.
  - b. On 16 Aug 06, you failed your written Block III test, with a score of 60 percent. The minimum passing score is 70 percent. As a result, you were counseled as reflected on the AETC IMT 173, dated 16 Aug 06 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) 29 Nov 06 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.
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

**Attachments:**

1. AETC Form 125A, 16 Nov 06
2. Student Training Report
3. AETC Form 173, dated 14 Aug 06
4. AETC Form 173, dated 16 Aug 06
5. AF FROM 3070, dated 17 Oct 06