

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)				GRADE		AFSN/SSAN	
TYPE GEN		PERSONAL APPEARANCE		X		RECORD REVIEW	
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
				X			
				X			
				X			
				X			
				X			
ISSUES				EXHIBITS SUBMITTED TO THE BOARD			
A94.06				1 ORDER APPOINTING THE BOARD			
A94.56				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 HEARING			
HEARING DATE				CASE NUMBER			
23 Jun 2011				FD-2009-00539			
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.</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>							
TO:				DATE: 6/23/2011			
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 20762-7001			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2009-00539

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 and requests that the review be completed based on the available service record.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

After a review of the record, the Board unanimously voted to grant the relief of the requested upgrade as discussed below.

FINDING: The Board grants the requested relief to upgrade discharge to honorable.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the general discharge inequitable.

ISSUE:

Applicant contends discharge was inequitable because he was discharged for failure to progress in training and he was later diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) that would have affected his performance. The records indicated the applicant was discharged for unsatisfactory performance: failure to progress in on-the-job training, and had been withdrawn from his Air Force specialty for failure to obtain rating. The board reviewed the entire record, to include the training records in detail. The applicant's records reflect excellent performance on training testing material, but reflect extensive inability to comprehend and apply the training in simulator/real work conditions. The DRB found that a correlation between the member having ADHD and his difficulties in training progression could be made. Therefore, the board opined that while the discharge was within the discretion of the discharge authority and the applicant was provided full administrative due process, the characterization of the discharge was too harsh and inequitable.

CONCLUSION: 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 the applicant was provided full administrative due process.

However, in view of the foregoing findings, the Board concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge.

Attachment:

Examiner's Brief

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
Oct 31, 2009

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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Services Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

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 ☒ AIR FORCE ☐ COAST GUARD

b. NAME (Last, First, Middle Initial)

c. GRADE/RANK AT DISCHARGE

d. SOCIAL SECURITY NUMBER

E-3 / A1C

e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 (Forward notification of any change in address)

f. TELEPHONE NUMBER (Include Area Code)

g. E-MAIL

h. FAX NUMBER (Include Area Code)

2. DATE OF DISCHARGE OR SEPARATION

(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)

20071219

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)

☒ HONORABLE
☒ GENERAL/UNDER HONORABLE CONDITIONS
☐ UNDER OTHER THAN HONORABLE CONDITIONS
☐ BAD CONDUCT (Special court-martial only)
☐ UNCHARACTERIZED
☐ OTHER (Explain)

5. BOARD ACTION REQUESTED (X one)

☒ CHANGE TO HONORABLE
☐ CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
☐ CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
☐ CHANGE NARRATIVE REASON FOR SEPARATION:

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION

SEYMOUR JOHNSON AFB, NC

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 13. See instructions on Page 3.)

REQUESTING HONORABLE SO I MAY HAVE ACCESS TO MY MGI BILL. I WAS DISCHARGED DUE TO FAILURE TO PERFORM MY DUTY, LATER TO BE FOUND WAS DUE TO MEDICAL CONDITIONS.

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 14. If military documents or medical records are relevant to your case, please send copies.)

LETTER FROM

CLINIC, INC. DATED NOV 5 2008

9. TYPE OF REVIEW REQUESTED (X one)

☒ 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 12.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 the name (print) and relationship by marking a box below.

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER (Specify)

12. 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)

2009/08/06

FD-2009-00539

**DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD**

AFDRB BRIEF						
NAME (Last, First, MI):		SSN:		DOCKET # FD-2009-00539		COMPONENT: USAF
TYPE OF DISCHARGE: GENERAL	DISCHARGE FROM: SEYMOUR JOHNSON AFB, NC	DISCHARGE DATE: 19 DEC 07		APPEALS FOR: UPGRADE DISCHARGE TO HONORABLE		
DOB/ ENLMT AGE: 12 JUL 80 25	DISCH AGE: 27	FORMER: A1C	HGH: A1C	B. CURRENT DOR: 13 DEC 05	C. TIME LOST: NONE	
AFSC: 9A200 - ENL AWAITING DISCHARGE, SEPARATION, RETIREMENT WITHIN CONTROL		DEP DT: 28 JUL 05		ASVAB SCORES:		
D. ART 15 / VAC: NONE	D. LOR, LOA, RIC, LOC: NONE	E. SCM / SPCM / GCM: NONE		ADDITIONAL: (IE. CIVIL CONV, CDC) NONE		
F. RECORD OF SERVICE (EPR/ OPR, PAST TO PRESENT) : 13 DEC 05 - 12 AUG 07 SEYMOUR JOHNSON 2 (INITIAL) REFERRAL						
G. AWARDS & DECS: NDSM, GWOTSM, SAE 3 (RIFLE), AFTR						
EAD: 13 DEC 05		DAS: 02 JUN 06		TMS: 2 YRS 4 MOS 22 DAS		TAMS: 2 YRS 0 MOS 7 DAS
APPLN (DD FORM 293) DTD: 06 AUG 09		DT/ INITIALS: 24 MAR 11/CM		NPA/PA: NPA		BOARD REGION:
RECORDS :	MPR: NO	ARMS: YES	STR: YES	ISSUES: YES	ATTACHMENTS: YES	
AUTH FOR DISCHARGE : AFI 36 - 3208, PARA 5.26.3 (UNSATISFACTORY PERFORMANCE: FAILURE TO PROGRESS IN OJT)						
ART 15; VAC; SCM; SPMC; GCM; ADDITIONAL:						
EXAMINER'S NOTE: NO LEGAL REVIEW IN DISCHARGE PKG. NOTIFICATION MEMORANDUM DATED 06 DEC 07, PARA 2 CITES REASON FOR DISCHARGE AS: "INAB" ITY TO RETAIN, COMPREHEND AND APPLY AIR TRAFFIC PRODECURES AND DIRECTIVE.						
NOTES:						

**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
Oct 31, 2009

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

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b. NAME (Last, First, Middle Initial)	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
		E-3 / A1C			
e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11 <i>(Forward notification of any change in address.)</i>				f. TELEPHONE NUMBER (Include Area Code)	

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) <i>(If date is more than 15 years ago, submit a DD Form 149)</i> 20071219	4. DISCHARGE CHARACTERIZATION RECEIVED (X one)	5. BOARD ACTION REQUESTED (X one)
	<input checked="" type="checkbox"/> HONORABLE	<input checked="" type="checkbox"/> CHANGE TO HONORABLE
	<input checked="" type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	<input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS	<input type="checkbox"/> CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION SEYMOUR JOHNSON AFB, NC	<input type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>	<input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION:
	<input type="checkbox"/> UNCHARACTERIZED	
	<input type="checkbox"/> OTHER <i>(Explain)</i>	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST *(Continue in Item 13. See instructions on Page 3.)*
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LETTER FROM CLINIC, INC. DATED Nov 5 2008

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<input checked="" type="checkbox"/> CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR <i>(counsel/representative)</i> WILL NOT APPEAR BEFORE THE BOARD.
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	c. E-MAIL
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12. 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. <i>(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.)</i>	CASE NUMBER <i>(Do not write in this space.)</i>
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a. SIGNATURE - REQUIRED *(Applicant or person in Item 11 above)*

b. DATE SIGNED - REQUIRED
(YYYYMMDD)

2009/08/06

FD-2009-00539



DEPARTMENT OF THE AIR FORCE

4th FIGHTER WING (ACC)
SEYMOUR JOHNSON AIR FORCE BASE NC

6 DEC 07

MEMORANDUM FOR

, 4 OSS

FROM: 4 OSS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for Unsatisfactory Performance: Failure to Progress in On-the-Job-Training (OJT). The authority for this action is AFD 36-32 and AFI 36-3208, paragraph 5.26.3. If my recommendation is approved, your service will be characterized as Honorable or Under Honorable Conditions (General). I am recommending that your service be characterized as Under Honorable Conditions (General).

2. My reasons for this action are: On or about 3 July 2007, your ATC certificate was suspended after you were placed into stop training status by the RAPCON Chief Controller on 25 May 2007. The training problems encountered during North Radar Approach Assist and subsequent failure to obtain the position rating warranted this action. On or about 24 July 2007, then the 4th Operations Support Squadron Commander, withdrew you from your AFSC for failure to obtain a rating, as documented in a Memorandum for 4 MSS/DPMAB and HQ ACC/A3AO, dated 5 July 2007 (attachment 1a, page 1); and in AF IMT 2096, dated 24 July 2007 (attachment 1a, page 9). Your "failure to obtain," was documented by Airfield Operations Flight Commander in a Memorandum to HQ ACC/A3AO, dated 11 June 2007 (attachment 1a, pages 3-4). In the memorandum, gives a synopsis for your training history between 6 March 2007 and 24 May 2007. He states your inability to see the "big picture" while in a control situation led to numerous repeat mistakes and aircraft conflicts, which could have been resolved and or prevented by a higher level of situational awareness and proper management of the Controller Assist Position. Your "failure to obtain" is also documented in a Memorandum by Air Traffic Control Watch Supervisor, dated 15 June 2007 (attachment 1a, page 5). He states you had shown extensive difficulty with the training process, consistently demonstrating an inability to retain, comprehend, and apply Air Traffic procedures and directives.

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or higher authority will decide whether you will be discharged or retained in the United States Air Force and, if you are discharged, 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. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).

3. 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 at ADC, on 6 DEC 07, at 1500 hours. You may consult civilian counsel at your own expense.

4. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 11 DEC 07 unless you request and

receive an extension for good cause shown. I will send them to the separation authority.

5. 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.

6. You have been scheduled for a medical examination. You must report to PLT HED on 10 DEC 07, at 0830 hours for the examination.

7. 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 at Area Defense Counsel's Office or Orderly Room.

8. You have been scheduled for mandatory Transition Assistance Program (TAPs) counseling on 10 DEC 2007 at 1000 hours. You must report to building 3602 for your TAPs counseling.

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

Commander

USAF

Attachments:

1. Supporting Documents
Memorandum from _____ with attachments (88 pages)
2. Additional Supporting Document
 - a. AF Form 623a sub (controller performance evaluation) (201 pages)
 - b. Letter of Counseling, dated 25 August 2006 (3 pages)
 - c. Letter of Counseling, dated 24 October 2006 (3 pages)
 - d. Letter of Reprimand, dated 2 December 2006 (3 pages)
 - e. Letter of Reprimand with attachment, dated 30 May 2007 (4 pages)
3. Airman's Receipt of Notification Memorandum
4. Statement of Understanding Regarding Recoupment of Education Assistance, Special Pay, or Bonuses
5. EPR/Referral Memorandum