

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03333

COUNSEL: NONE

FEB 19 1999

HEARING: NO

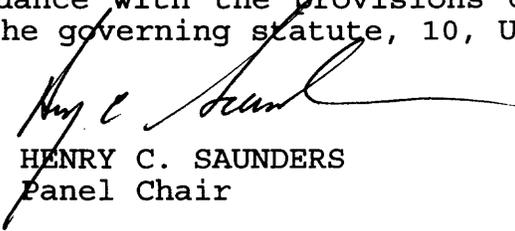
The applicant requests that his DD Form 214, Certificate of Release or Discharge From Active Duty, be changed to remove the "Unsatisfactory Performance" narrative reason for separation. Applicant's submission is at Exhibit A.

The appropriate Air Force offices evaluated applicant's request and provided an advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record. Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Henry C. Saunders, Mr. Henry Romo Jr., and Dr. Gerald B. Kauvar considered this application on 17 November 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


HENRY C. SAUNDERS
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. AFBCMR Ltr Forwarding Advisory Opinions

7 January 1998
97-03333

MEMORANDUM FOR AFBCMR

FROM: BCMR Medical Consultant
1535 Command Drive, EE Wing, 3rd Floor
Andrews AFB MD 20762-7002

SUBJECT: Application for Correction of Military Records
[REDACTED]

Applicant's entire case file has been reviewed and is forwarded with the following findings, conclusions and recommendations.

REQUESTED ACTION: The applicant was administratively discharged under provisions of AFI 36-3208 for Unsatisfactory Performance in failing his 5-level career development end-of-course examinations twice (**May** and September 1976). He states that he was diagnosed with Attention Deficit Disorder (ADD) during his service time, and that **this** was the reason for his failed examinations. He **appeals** for a change in reason **for** his discharge that will allow him to utilize education **benefits** he feels he is entitled to receive.

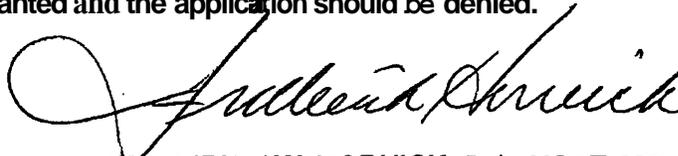
FACTS: The applicant failed his end-of-course examinations as noted above, in spite of concerted efforts on the part **of** his unit to ensure successful testing. Upon the **second** failure, his commander reviewed his options, and **chose** to recommend separation rather than continued expenditure of effort that likely would **not** have proved beneficial to the applicant in **passing** these examinations. The letter of notification specifically states the Unsatisfactory Performance as the basis for discharge, so the applicant, who acknowledged receipt and **also** signed the DD Form 214 which listed this reason, was not uninformed as to **the** reason for discharge as he claims.

A complete review of available medical records from **the** applicant's service years fails to disclose any reference to a diagnosis of ADD either during his active duty time or preceding his enlistment. The only significant entries noted refer to **alcohol** rehabilitation the applicant **underwent** while on assignment to Misawa and which was accomplished in a residence facility in Korea. Aside from this, the medical records disclose no other significant information.

DISCUSSION: No evidence is submitted that substantiates the applicant's contention that he suffered from ADD during his time in service. Nor is there evidence of record that shows he was given an option of an early separation to attend college as he **claims**. Rather, his case was properly handled from an administrative standpoint, and no error or injustice **is** found that would justify a change in his records. He was **afforded** ample opportunity to pass his required examinations and simply failed in that effort.

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RECOMMENDATION: The BCMR Medical Consultant is of the opinion that no change in the records is warranted and the application should be denied.



**FREDERICK W. HORNICK, Col., USAF, MC, FS
Chief Medical Consultant, AFBCMR
Medical Advisor SAF Personnel Council**



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

FEB 23 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRS
550 C Street West, Suite 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records [REDACTED]

The applicant, while serving on active duty in the grade of airman first class, was discharged under the provisions of AFI 36-3208 (Unsatisfactory Performance) and received an honorable discharge. He had 02 years 02 months and 29 days total active service.

Requested Action. The applicant is requesting that his DD Form 214 item 28 be changed to remove the "unsatisfactory performance" entry. Applicant states this entry is causing him to not receive his education benefits. In his application, there is a claim that he was diagnosed as having "Attention Deficit Disorder." The advisory furnished by the AFBCMR Medical Consultant, 07 Jan 98 addressed the applicant's medical condition at the time of his discharge, This advisory will address only the discharge processing in the case.

Facts. Applicant was notified by his commander on 16 Dec 96 his intent to initiate involuntary administrative separation action against him under AFI 36-3208 for failure to progress in on-the-job training. The commander indicated that his reasons for recommending discharge were because on 31 May 96, he failed the course exam which was his required CDC, for which he would be allowed to retest. On 23 Sep 96, he failed the course exam which was required for his CDC, for which his enrollment was terminated. He was advised he had a right to consult counsel and the right to submit a statement in his own behalf. Applicant did consult counsel but, waived his right to submit a statement in his own behalf. The case was reviewed by the base legal office and was found to be legally sufficient to support discharge. The discharge authority reviewed the case and on 06 Jan 97, directed the applicant be discharged for unsatisfactory performance and be furnished an honorable discharge. Applicant received notification of the final action on his discharge on 09 Jan 97, and indicated he understood the separation authority's action on his administrative discharge.

Discussion. This case has been reviewed for separation processing and there are no errors or irregularities causing an injustice to the applicant. The reason for discharge is appropriate and complies with directive in effect at the time of his discharge. The records indicate member's military service was reviewed and appropriate action was taken.

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Conclusion and Recommendation, Applicant did not identify any specific errors in the discharge processing nor provide facts which warrant a change in the reason for discharge he received, Accordingly, we recommend applicant's request be *denied*. He has filed a timely request.



JOHN C. WOOTEN, GS-9, DAFC
Separations Branch
Dir of Personnel Program Mgt