



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

AFBCMR 97-00562

MAY 18 1998

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that:

- a. The Memorandum for the Chief of Staff, AFBCMR 97-00562, issued on 19 May 1997, as pertaining to [REDACTED] he and hereby is declared void
- b. On 19 February 1997, competent authority approved his request for a waiver of his High Year of Tenure as an exception to policy; and, he was honorably discharged effective 20 February 1997 and, on 21 February 1997, he reenlisted in the Regular Air Force for a period of four (4) years.


JOE G. LINBERGER
Director
Air Force Review Boards Agency

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-00562

COUNSEL: None

HEARING DESIRED: No

MAY 18 1998

APPLICANT REQUESTS THAT:

His current enlistment be extended for a period of 4 years beyond his completion of a one-year period of probation (ending on 20 February 1997), resulting in a date of separation of 20 February 2001.

RESUME OF THE CASE:

On 14 September 1992, the applicant was tried and convicted by a court-martial for the offenses of wrongful use of heroin and cocaine, for adultery, and for thrice failing to maintain sufficient funds in his checking accounts. He was sentenced to be discharged with a bad conduct discharge, to be confined for 24 months, to forfeit \$500.00 per month for 24 months, and to be reduced to the grade of airman basic. The portion of the sentence pertaining to forfeitures was suspended. While in confinement, the applicant was selected for participation in the Return-to-Duty Program (RTDP). After successfully completing the program, he was restored to active duty in the grade of airman basic on 31 May 1996. He was thereafter promoted to the grade of airman (E-2), on 21 February 1997.

On 10 February 1997, the applicant submitted an application to the Board requesting that his High Year of Tenure (HYT) of 31 May 1997 be waived to coincide with his Expiration of Term of Service of 24 August 1999. The Board favorably considered his request on 15 May 1997 (see AFBCMR 97-00562, dated 19 May 1997, with Exhibits A through G.)

The applicant is currently serving in the grade of airman first class (E-3), having been promoted to that grade on 21 December 1997. Since his restoration to active duty, he has received two Enlisted Performance Reports (EPRs), closing 26 September 1996 and 18 August 1997, with promotion recommendation ratings of 4 and 5, respectively.

APPLICANT CONTENDS THAT:

He is aware of a case similar to his where the applicant was permitted to extend/reenlist for 4 years from the point of his completing his 1 year of probation. This decision made reference to yet another case where the Board granted similar relief. He would like the same consideration as these two other applicants. He believes that in accordance with the intent of the RTDP, approval of the requested relief would be appropriate and proper in view of the time and money expended by the Air Force (Exhibit H).

THE BOARD CONCLUDES THAT:

As a result of an earlier review of the applicant's case, the specific relief he requested was granted based on findings of injustice. We have reviewed the applicant's amended request for relief and believe favorable consideration of his request is appropriate based on the fact that similar relief was afforded to other applicants in this applicant's position. We can find no basis in the evidence in his case, either before or after his conviction, when compared to the cases of the other affected airmen, which would cause us to conclude that he should not be afforded the relief requested in his most recent application. Accordingly, it is our opinion that the applicant's records should be corrected in the following manner.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

a. The Memorandum for the Chief of Staff, AFBCMR 97-00562, issued on 19 May 1997, as pertains to APPLICANT, be declared void.


b. On 19 February 1997, competent authority approved his request for a waiver of his High Year of Tenure as an exception to policy; and, he was honorably discharged effective 20 February 1997 and, on 21 February 1997, he reenlisted in the Regular Air Force for a period of four (4) years.

The following members of the Board considered this application in Executive Session on 21 April 1998 under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair
Mr. Joseph G. Diamond, Member
Mr. Richard A. Peterson, Member

All members voted to correct the records, as recommended. The following additional documentary evidence was considered:

Exhibit H. DD 149, dated 21 October 1997, with attachments.


THOMAS S. MARKIEWICZ
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Panel Chair