RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2008-01850

INDEX CODE: 110.00

XXXXXXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Separation Code of “HHJ” (Unsatisfactory Performance (Discharge Board Waiver)) be changed to one that will allow him to enlist in the Army National Guard.

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APPLICANT CONTENDS THAT:

He is seeking employment with the Alaska Army National Guard and cannot join with a Separation Code of “HHJ.” This Separation Code does not match his Narrative Reason for Separation which is “Unsatisfactory Performance.” During his research, he has discovered that the Separation Code “LHJ” is the correct Separation Code for “Unsatisfactory Performance,” and believes that a mistake was made when his DD Form 214 was prepared.

In support of his appeal, he has provided copies of a personal statement and his DD Form 214.

Applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 31 May 2000, and served as an aircraft electrical and environmental systems journeyman until his discharge. On 5 November 2007, the applicant’s commander notified him that he was recommending him for a general discharge for failure to properly perform his duties. The commander stated the applicant had received one Letter of Counseling, three Letters of Reprimand, and an Article 15, and stated the following specific reasons for the proposed discharge:

a. On or about 29 November 2006, he failed to document an inspection discrepancy.

b. On or about 8 December 2006, he failed to use a technical order when applying electrical power to an aircraft during a routine phase inspection, as well as failing to ensure his maintenance crew followed technical data.

c. An investigation revealed that on or about 11 January 2007, he failed to review the aircraft forms and follow technical orders prior to starting maintenance on an aircraft.

d. Article 15 punishment for, on or about 21 March 2007, dereliction in the performance of his duties in that he willfully left a vehicle unattended with the engine running and chocks not secured. Punishment consisted of a reduction to the grade of senior airman, forfeiture of $250.00 pay per month for two months, and 30 days extra duty, both suspended for six months, and a reprimand.

e. During a mobility bag inspection on or about 27 August 2007, he failed to produce a water proof bag, cold weather cap, extreme cold weather gloves, cold weather socks, and rain boots. He also failed to have the proper uniform items, and his bag contained desert camouflage uniforms with improper stripes.

The commander informed the applicant of his rights, to include presenting his case before an administrative discharge board. On 29 November 2007, the applicant, through the Area Defense Counsel, submitted a conditional waiver of his rights associated with an administrative discharge board hearing, contingent on his receipt of no less than an honorable discharge. On 10 December 2007, the applicant’s commander recommended the discharge authority accept the applicant’s conditional waiver request, and that he be discharged with an honorable discharge as a fair characterization of his service and to eliminate the risk that a discharge board would vote to retain him.

On 13 December 2007, the discharge authority approved the applicant’s conditional waiver request and directed that he be discharged with an honorable service characterization. On 18 December 2007, the applicant was discharged in the grade of senior airman (E-4) for unsatisfactory performance. He was given an honorable service characterization, a Separation Code of “HHC” (Unsatisfactory Performance (Discharge Board Waiver)), and a Narrative Reason for Separation of “Unsatisfactory Performance.” He completed a total of 7 years, 6 months, and 19 days of net active service.

The applicant’s Enlisted Performance Report (EPR) profile follows:

PERIOD ENDING EVALUATION

15 Jan 2002 5

15 Jan 2003 4

15 Jan 2004 5 (firewall)

15 Jan 2005 5

15 Jan 2006 5

1 Sep 2006 4

1 Sep 2007 2 (referral)

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AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial of the requested relief as the documentation on file in the master personnel records supports the basis for discharge. Although the applicant states that a Separation Code of “LHJ” more closely matches the narrative reason for which he was separated, this Separation Code is not an authorized Air Force Separation Code for use with any separation basis, whether voluntary or involuntary.

The discharge was consistent with the procedural and substantive requirements of the discharge instruction and was within the discretion of the discharge authority. The applicant did not submit any evidence or identify any errors or injustices that occurred in the discharge processing, and provided no facts warranting an upgrade to his narrative reason for separation; therefore, the Separation Code as shown on his DD Form 214 is correct.

The AFPC/DPSOS evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the evaluation was forwarded to the applicant on 29 August 2008, for review and comment, within 30 days. However, as of this date, no response has been received by this office.

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THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was timely filed.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of error or injustice. We took notice of the applicant's complete submission in judging the merits of the case and after reviewing the evidence of record, it appears the discharge was consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority, and the Separation Code as shown on his DD Form 214 is correct. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application. However, after a thorough review of the applicant’s records and EPRs, the Board notes that there is no documented evidence of any malicious misconduct or defiance of authority, and that his first six years of service were generally positive. Given this, and the fact that he was discharged with an honorable service characterization, the Board would be willing to reconsider his application if he can produce documentary evidence the Alaska Army National Guard would enlist him but cannot do so due to his present Separation Code.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered Docket Number BC-2008-01850 in Executive Session on 16 October 2008, under the provisions of AFI 36-2603:

Ms. Patricia J. Zarodkiewicz, Vice Chair

Ms. Janet I. Hassan, Member

Ms. Judith B. Oliva, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 7 May 08, w/atchs.

Exhibit B. Applicant's Available Master Personnel Records.

Exhibit C. Letter, AFPC/DPSOS, dated 31 Jul 08, w/atch.

Exhibit D. Letter, SAF/MRBR, dated 29 Aug 08.

PATRICIA J. ZARODKIEWICZ

Vice Chair