RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2008-03273

INDEX CODE: 110.00

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Reentry Code of “2C” (Entry Level Separation without Characterization of Service) be changed to an appropriate Reentry Code to allow him to join the Navy.

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APPLICANT CONTENDS THAT:

When he left the Air Force, he was unaware he was given a Reentry Code of “2C” and was told he could enter another branch of the armed forces if he so desired.

In support of his appeal, the applicant provides copies of a personal statement; Member-1 and Member-4 copies of his DD Form 214, *Certificate of Release or Discharge from Active Duty*; a Memo for Record, dated 11 May 2000, by a chief master sergeant in the 709th Airlift Squadron; his undated voluntary withdrawal from flying status; and numerous other documents pertaining to his student training.

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

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STATEMENT OF FACTS:

The applicant enlisted into the Air Force Reserve for six years on 28 January 2000 and began his Initial Active Duty for Training (IADT) on 29 February 2000. He completed Basic Military Training and while attending Aircraft Loadmaster Apprentice Technical Training, withdrew his volunteer to fly status and was eliminated from training. On 15 May 2000, he was released from active duty with an entry level separation, and was rendered a Reentry Code of “2C” and returned to his home unit. On 20 May 2000, his home unit initiated action to recommend he be discharged from the Air Force Reserve for entry level performance and conduct, and on 23 May 2000, their recommendation was forwarded to HQ Air Force Reserve Command (AFRC) for final disposition.

On 19 June 2000, HQ AFRC/DP notified the applicant they were initiating action to separate him for entry level performance and conduct. He was advised of his rights and on 27 June 2000, declined to consult with military or civilian legal counsel and to submit statements or documents in his own behalf. A legal review was conducted in which the AFRC Director of Military Law recommended the applicant be discharged with an entry level separation. The applicant was subsequently discharged from the Air Force Reserve effective 12 August 2000 with service characterized as entry level separation.

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AIR FORCE EVALUATION:

AFRC/A1K recommends denial of the requested relief as the applicant’s Reentry Code as reflected on his DD Form 214 is accurate and supports the fact he voluntarily elected to withdraw from his Air Force technical course of training. Given this and the fact the applicant did not provide any documentation to substantiate that an error was made, there is no bases to grant the requested relief.

The AFRC/A1K 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 7 August 2009, 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 not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

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; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice as his Reentry Code appears to be correct given that he voluntarily elected to withdraw his volunteer to fly status which led to his elimination from Aircraft Loadmaster Apprentice Technical Training. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and 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-2008-03273 in Executive Session on 23 September 2009, under the provisions of AFI 36-2603:

Mr. Anthony P. Reardon, Panel Chair

Mr. Mark J. Novitski, Member

Ms. Janet I. Hassan, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 3 Sep 08, w/atchs.

Exhibit B. Applicant's Available Master Personnel Records.

Exhibit C. Letter, AFRC/A1K, dated 9 Jun 09, w/atchs.

Exhibit D. Letter, SAF/MRBR, dated 7 Aug 09.

ANTHONY P. REARDON

Panel Chair