RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2008-04411

 XXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT REQUESTS THAT:

His Reenlistment Eligibility (RE) Code of 2C (involuntarily separated with an entry level separation without characterization of service) and Separation Program Designator (SPD) of JGA (Entry Level Performance and Conduct) be changed to allow him to be eligible to enlist in any branch of the reserve Armed Forces.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT CONTENDS THAT:

The sole reason for his discharge from Basic Military Training (BMT) was his inability to perform the push-up requirement. He was able to complete the two-mile run as well as the 45 sit-up requirements. He was able to adjust to all other aspects of BMT. He was very young at the time, and was not in the best upper body shape he could have been. Eleven years have passed and he has developed his upper body to the point where passing any physical requirements would not be an issue. He will graduate from college in May 2009 and wishes to use his intellect to serve his country.

In support of his request, the applicant provides a copy of his DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States,* and a 15 Dec 08 letter from SAF/MRBR referring him to the AFBCMR.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATEMENT OF FACTS:

Applicant’s military personnel records indicate he enlisted in the Regular Air Force on 7 May 97 for a period of four years, in the grade of airman basic.

On 24 Jun 97, the applicant was notified by his commander of her intent to recommend him for discharge from the Air Force for unsatisfactory entry level performance and conduct in accordance with AFI-36-3208, Chapter 5, Paragraph 5.22. The reason for the action was based on the following:

 a.  Failure to adapt to the military environment.

 b.  Failure to make satisfactory progress in a required training program.

 c.  Reluctance to make the effort necessary to meet Air Force standards of conduct and duty performance.

 d.  Lack of self-discipline.

On 24 Jun 97, the applicant acknowledged receipt of the notification of discharge, declined legal counsel and waived his right to submit statements on his behalf.

On 24 Jun 97, the case was found legally sufficient and the discharge authority approved the discharge action on 27 Jun 97, directing the applicant be furnished an uncharacterized entry level separation.

Applicant was discharged on 30 Jun 97 and was credited with 1 month and 24 days of active service.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial, indicating there is no evidence of an error or injustice. Based on the documentation on file, the discharge was appropriately administered and within the discretion of the discharge authority.

A complete copy of the DPSOS evaluation is at Exhibit C.

AFPC/DPSOA recommends denial, indicating there is no evidence to support an error or injustice. The RE Code 2C is the only authorized code for members who receive an entry level separation and uncharacterized service.

A complete copy of the DPSOS evaluation is at Exhibit D.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant concedes that he was not physically capable of fulfilling the push-up requirement. After realizing that he was only able to perform 5 – 10 push-ups, he believed that there simply was not enough time left over the course of BMT to develop the necessary strength to meet the requirement of 25 - 35 push-ups. The applicant takes issue, however, with basis of the action related to his inability to adapt to the military environment, failure to make satisfactory progress in a required training program, reluctance to make effort necessary to meet Air Force standards of conduct and duty performance, and lack of self-discipline. He contends that he succeeded in all other areas of BMT. While adapting to military life was hard at first, acclimation became quite easy and there was never a reluctance to perform any duty assigned to the best of his abilities.

A complete copy of the applicant’s response is at Exhibit F.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 an error or injustice warranting changes to the applicant’s RE and SPD codes. 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 offices of primary responsibility and adopt their rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. Other than his own assertions, the applicant has provided no evidence which would lead us to believe that the information contained in the discharge case file is erroneous, that he was not afforded all the rights to which he was entitled, or that his commanders abused their discretionary authority. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following members of the Board considered AFBCMR Docket Number BC-2008-04411 in Executive Session on 17 Sep 09, under the provisions of AFI 36-2603:

 Mrs. Charlene M. Bradley, Panel Chair

 Mr. Alan A. Blomgren, Member

 Mr. Steven A. Cantrell, Member

The following documentary evidence for AFBCMR Docket Number BC-2008-04411 was considered:

 Exhibit A. DD Form 149, dated 13 Jan 09, w/atchs.

 Exhibit B. Applicant's Master Personnel Records.

 Exhibit C. Letter, AFPC/DPSOS, dated 8 Jun 09.

 Exhibit D. Letter, AFPC/DPSOA, dated 29 Jun 09.

 Exhibit E. Letter, SAF/MRBR, dated 24 Jul 09.

 Exhibit F. Letter, Applicant, dated 20 Aug 09.

 CHARLENE M. BRADLEY

 Panel Chair