RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-00515

INDEX CODE: 110.02

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect his narrative reason for separation as being for the “Date of Separation (DOS) Rollback Program” or for the “Convenience of the Government.”

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APPLICANT CONTENDS THAT:

He wanted to continue his Air Force career but was selected for the Fiscal Year 2007 (FY07) DOS Rollback Program. He is currently trying to take advantage of the Montgomery GI Bill (MGIB) education benefits, but is being told his DD Form 214 needs to say more than what it says to describe his discharge.

In support of his appeal, the applicant provides Member-1 and Member-4 copies of his DD Form 214.

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

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STATEMENT OF FACTS:

The applicant entered the Regular Air Force on 27 December 2005 and served as a tactical aircraft maintenance apprentice until being discharged. On 3 January 2006, he signed a DD Form 2366, *Montgomery GI Bill Act of 1984 (MGIB) Basic Enrollment*, by which he established his Montgomery GI Bill eligibility and acknowledged a statement of understanding contained in item 3c which stated he understood he must complete 36 months of active duty service before being entitled to the current rate of monthly benefits. The applicant made the required $1,200 contribution and served a total of one year, seven months, and five days of active service before being separated under the provisions of the FY07 DOS Rollback Program on 1 August 2007. He was rendered an honorable service characterization, a narrative reason for separation of “Completion of Required Active Service,” a Separation Code of “JBK” (Completion of Required Active Service), and a Reentry Code of “4I” (Serving on the Control Roster).

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AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial of the requested relief as the applicant has not provided any evidence of an error or injustice to warrant changing his discharge characterization. Based on the documentation on file in his master personnel records, the discharge, to include his characterization of service, was consistent with the procedural and substantive requirements of the discharge instruction and the FY07 DOS Rollback Program guidance, and was within the discretion of the discharge authority.

The applicant’s records reflect his commander selected him for the FY07 DOS Rollback Program due to his possessing a Reentry Code of “4I” (Serving on the Control Roster) which did not expire until 19 August 2007. Item 18 (Remarks) of His DD Form 214 reflects “Member has not Completed First Full Term of Service” and is used to denote the applicant did not complete his first full term of service for which he contractually agreed to serve. The FY07 DOS Rollback Program utilized the Separation Program Designator Code of “JBK” (less than 6 years of active service) with a corresponding narrative reason for separation of “Completion of Required Active Service” since the applicant was denied further continuation or reenlistment and his date of separation was involuntarily accelerated. The narrative reason of “Completion of Required Active Service” is not tantamount to serving the first full term of service since the period of required active service was involuntarily accelerated by the Air Force.

The AFPC/DPSOS evaluation is at Exhibit C.

AFPC/DPSIT advises the applicant elected to participate in the MGIB program and made the $1,200 contribution. However, one of the conditions to receive MGIB benefits is to serve 36 months of active duty service. Item 3c of the DD Form 2366, *Montgomery GI Bill of 1984 (MGIB) Basic Enrollment,* which he signed on 3 January 2006, states “I must complete 36 months (3 years) of service…” Since the applicant served one year, seven months, and five days of active service, he did not serve the specified time to establish MGIB eligibility; however he does have qualifying service time under the Post-9/11 GI Bill.

The AFPC/DPSIT evaluation is at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the evaluation was forwarded to the applicant on 24 July 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 timely filed.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice to warrant changing the applicant’s separation code or narrative reason for separation. 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. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application. However, we encourage the applicant to explore his possible eligibility for the Post-9/11 GI Bill that went into effect on 1 August 2009. The applicant should contact the Department of Veterans Affairs (DVA) to obtain qualifying information concerning the Post-9/11 GI Bill at http://www.gibill.va.gov.

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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-2009-00515 in Executive Session on 17 September 2009, under the provisions of AFI 36-2603:

Mrs. Charlene M. Bradley, Panel Chair

Mr. Steven A. Cantrell, Member

Mr. Alan A. Blomgren, Member

The following documentary evidence was considered in BC-2009-00515:

Exhibit A. DD Form 149, dated 15 Jan 09, w/atchs.

Exhibit B. Applicant’s DD Form 2366, dated 3 Jan 06.

Exhibit C. Letter, AFPC/DPSOS, dated 23 Jun 09.

Exhibit D. Letter, AFPC/DPSIT, dated 9 Jul 09.

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

CHARLENE M. BRADLEY

Panel Chair