RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-00758

 INDEX CODE: A92.41/42

 XXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Reenlistment Eligibility (RE) Code of 2C (Entry Level Separation) on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to allow him to be eligible to enlist in the Air National Guard.

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APPLICANT CONTENDS THAT:

The RE Code on his DD Form 214 is an inaccurate depiction of his service. During his out-processing, he was told that he would be able to join the Air National Guard six months after he returned home. However, they neglected to tell him that his RE Code wouldn’t allow him to do that. He would like it corrected to allow him to return to the service. He admits he made some mistakes, but knows that he has learned from them. If given another chance, he knows for a fact he will be the best airman.

The applicant’s complete submission is at Exhibit A.

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STATEMENT OF FACTS:

The applicant’s military personnel records indicate he enlisted in the Regular Air Force 19 Feb 08 for a period of six years as an airman (E-2).

On 29 Jul 08, the applicant was notified by his commander of his intent to recommend him for discharge from the Air Force for entry level performance and conduct in accordance with AFI 36-3208, paragraph 5.22. The reasons for the action were based on the following:

 a.  He did, on or about 16 Jul 08, fail to return to the schoolhouse after an appointment and lunch, for which he received a letter of reprimand on 16 Jul 08.

 b.  He did, on or about 2 Jul 08, fail to complete his study guide workbook questions, for which he received a letter of reprimand on 3 Jul 08.

 c.  He did, on or about 23 Jun 08, lie to a senior non-commissioned officer regarding the use of profanity and disrespect for his class leader, for which he received a letter of reprimand on 26 Jun 08.

 d.  He did, on or about 18 Jun 08, fail to refrain from engaging in horseplay in formation and while in the position of attention. In addition, he was disrespectful in language and deportment toward his class leader, by using profanity, when the class leader tried to correct him. For this, he received a letter of reprimand on 23 Jun 08.

 e.  He did, on or about 4 Jun 08, possess unauthorized reading material while in class for which he received a letter of counseling on 5 Jun 08.

On 31 Jul 08, the applicant acknowledged receipt of the notification of discharge, consulted legal counsel and elected to submit statements on his behalf.

On 5 Aug 08, the case was found legally sufficient and the discharge authority approved the discharge action on 14 Aug 08, directing the applicant’s prompt separation.

On 15 Aug 08, the applicant was furnished an entry level separation and was credited with 5 months and 27 days active service.

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AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial, indicating the discharge, to include the service characterization, was appropriately administered and within the discretion of the discharge authority. Further, the applicant did not provide any evidence that an error or injustice occurred in the processing of the action warranting a change to his character of service.

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

AFPC/DPSOA recommends denial, indicating the RE Code of 2C is correct based on the applicant’s entry level separation with uncharacterized service.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant admits that he made some mistakes, but he was new to the service and still adjusting to the ways of life and the rules. He did finally get his act together, albeit too late. He did not deserve the letter of reprimand for failing to return to the schoolhouse after an appointment and lunch. He was just following the orders of his class leader which resulted in the whole group getting a letter of reprimand for the incident. As for the other incidents, he accepts responsibility for his actions, but has learned from these mistakes and, if given another chance, would be the epitome of a perfect airman.

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

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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. We note that members separated from the Air Force are furnished an RE code predicated upon the quality of their service and circumstances of their separation. The evidence of record indicates the applicant was given an entry level separation for his performance and conduct. As a result, he was assigned an RE code of 2C. He has provided no evidence which would lead us to believe his entry level separation was improper or contrary to the provisions of the governing instruction, or the RE code was not appropriately assigned. In view of the foregoing, and in the absence of evidence to the contrary, we conclude that no basis exists to recommend favorable action on the applicant’s request that his RE code of 2C be changed.

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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 AFBCMR Docket Number BC-2009-00758 in Executive Session on 23 Sep 09, under the provisions of AFI 36-2603:

 Mr. Anthony P. Reardon, Panel Chair

 Ms. Janet I. Hassan, Member

 Mr. Mark J. Novitski, Member

The following documentary evidence was considered:

 Exhibit A. DD Form 149, dated 30 Jan 09.

 Exhibit B. Applicant's Master Personnel Records.

 Exhibit C. Letter, AFPC/DPSOS, dated 7 Jul 09.

 Exhibit D. Letter, AFPC/DPSOA, dated 27 Jul 09.

 Exhibit E. Letter, SAF/MRBR, dated 21 Aug 09.

 Exhibit F. Letter, Applicant, undated.

 ANTHONY P. REARDON

 Panel Chair