RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-01466

INDEX CODE: 100.03, 100.06

XXXXXXX COUNSEL: NONE

HEARING DESIRED: YES

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

APPLICANT REQUESTS THAT:

His Reentry Code of “2B” (Separated with a general or under-other-than-honorable-conditions (UOTHC) discharge) be changed.

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

APPLICANT CONTENDS THAT:

He would like a second chance as you never know what you have until you lose it. He has put a lot of thought into reenlisting during the past six months and would like to join the Marine Corps. He has had plenty of time to reflect on the decisions he made while in the service and realizes they were not bad decisions but were decisions he had to learn from and they made him who he is today. He is a person who is proud to say he was once a part of something as great as being a protector of what he believes in, and hopes he can say he is still a proud soldier.

In support of his appeal, the applicant provides copies of a personal statement; the Member-1 copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty*; three character references; a summary of disciplinary actions; his Citation and Narrative Justification for the Army Commendation Medal for exceptional leadership and initiative during the period 7 September 2007 to 14 April 2008; an unsigned Letter of Evaluation for the period 7 September 2007 through 15 April 2008; and a *Service Medal Award Verification* document for the Iraq Campaign Medal and the Air Force Expeditionary Service Ribbon with Gold Border.

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

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

STATEMENT OF FACTS:

The applicant entered the Regular Air Force on 26 July 2005 and served as a tactical air control party (TACP) journeyman until his discharge. On 22 September 2008 he was notified of his commander’s intention to recommend him for a general discharge for minor disciplinary infractions; specifically:

a. Letter of Counseling (LOC) on 16 October 2006 due to his dormitory room being in a state of disarray during a random dormitory inspection.

b. Letter of Reprimand (LOR) on 16 October 2006 for being disrespectful toward a Noncommissioned Officer (NCO).

c. Record of Individual Counseling (RIC) on 10 May 2007 for appearing at work in civilian clothing without authorization and declaring that his duty day was over after his appointment.

d. RIC on 16 May 2007 for failing to study for an upcoming End of Course (EOC) examination and stating the reason he was not studying was his desire to fail the EOC examination as a reason to get out of the military.

e. RIC on 30 May 2007 for failure to wear his seatbelt.

f. RIC on 14 June 2007 for failure to go.

g. LOR on 30 July 2007 for failure to adapt to a military lifestyle between on or about 1 May 2007 and on or about 30 July 2007.

h. RIC on 31 July 2008 for being in the possession of stolen property from the city of Manhattan, Kansas.

i. Article 15, dated 22 August 2008, and establishment of an Unfavorable Information File (UIF) for being disrespectful toward a NCO.

The commander informed the applicant of his rights and on 25 September 2008, after consulting with counsel, he waived his right to submit statements in his own behalf. On 6 October 2008, the Staff Judge Advocate recommended the applicant be discharged with a general discharge and not be afforded probation and rehabilitation opportunities.

On 14 October 2008, the applicant was discharged in the grade of airman first class (E-3) for misconduct – minor disciplinary infractions, and was rendered an under honorable conditions (general) service characterization and a Reentry Code of “2B.” He completed a total of 3 years, 2 months, and 20 days of active service.

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

PERIOD ENDING EVALUATION

25 Mar 2007 5

25 Mar 2008 3 (referral)

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

AIR FORCE EVALUATION:

AFPC/DPSOA recommends denial of the requested relief. The Reentry Code of “2B” accurately reflects the general discharge the applicant received and in accordance with Air Force Instruction 36-2606, is the only authorized Reentry Code for members receiving an under honorable conditions (general) discharge. Additionally, the applicant received a marking of “Does Not Meet” standards on his last EPR with the following comments: “…inability to adapt to military lifestyle, negative impact on work environment, and failed to pay government travel card debts on time.”

The AFPC/DPSOA evaluation is at Exhibit C.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the evaluation was forwarded to the applicant on 2 June 2009, for review and comment, within 30 days. However, as of this date, no response has been received by this office.

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

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, 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 and in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

4.  The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

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

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.

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

The following members of the Board considered Docket Number BC-2009-01466 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:

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

Exhibit B. Applicant's Available Master Personnel Records.

Exhibit C. Letter, AFPC/DPSOA, dated 18 May 09.

Exhibit D. Letter, SAF/MRBR, dated 2 Jun 09.

CHARLENE M. BRADLEY

Panel Chair