RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-01140

INDEX CODE: 111.00

XXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His General (Under Honorable Conditions) discharge be upgraded to Honorable and his Reentry (RE) code be changed.

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APPLICANT CONTENDS THAT:

He was young and immature, uncertain of life, and penalized and punished for such. He is in desperate need of educational benefits and is also considering reenlistment, but can pursue neither unless his record is changed.

The applicant’s complete submission is at Exhibit A.

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STATEMENT OF FACTS:

The relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

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AIR FORCE EVALUATION:

AFPC/DPSOR recommends denial with respect to his character of service, indicating there is no evidence of an error or injustice. The record reveals the applicant was furnished a General (Under Honorable Conditions) discharge for a pattern of misconduct. He received nonjudicial punishment (NJP) under Article 15, Uniform Code of Military Justice (UCMJ), for violating a general regulation by wrongfully carrying a knife with a blade greater than three inches and dereliction of duty. He also received two letters of reprimand for three separate incidents of failure to go and one incident of making a false official statement with the intent to deceive. Airmen are subject to discharge for such a pattern of misconduct and his pattern of misconduct clearly outweighed the positive aspects of his service. The characterization of his service was consistent with the procedural and substantive requirements of the discharge instruction and was within the discretion of the discharge authority. The applicant did not provide any evidence of an error or injustice that occurred in the discharge processing.

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

AFPC/DPSOE recommends denial with respect to his RE code, indicating there is no evidence of an error or injustice. The applicant was discharged for misconduct after only ten months and five days of service with a General (Under Honorable Conditions) discharge and was issued an RE code of 2B (Separated with a general or under-other-than-honorable conditions (UOTHC) discharge). The applicant provides no evidence of an error or injustice with respect to his RE code, but only states that he was punished for being immature and uncertain of life when he was young. The RE code issued is required in accordance with AFI 36-2606, *Reenlistments in the US Air Force*, based on the nature of his separation.

A complete copy of the AFPC/DPSOE evaluation is at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 23 Dec 10 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit E).

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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 an error or injustice. After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been adequately rebutted by the applicant. Absent persuasive evidence the applicant was denied rights to which he was entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

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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 AFBCMR Docket Number BC-2010-01140 in Executive Session on 20 Jan 11, under the provisions of AFI 36-2603:

Mr. XXXXXXXXXX, Panel Chair

Ms. XXXXXXXXXX, Member

Mr. XXXXXXXXXX, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 10 Mar 10.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. Letter, AFPC/DPSOR, dated 5 Nov 10.

Exhibit E. Letter, AFPC/DPSOE, dated 1 Dec 10.

Exhibit E. Letter, SAF/MRBR, dated 23 Dec 10.

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Panel Chair