RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-01632

 XXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

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

APPLICANT REQUESTS THAT:

His Reentry (RE) code of 2C (Entry level separation without characterization of service) be upgraded.

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

APPLICANT CONTENDS THAT:

His service connected injury was mishandled and there was a misunderstanding regarding his desire to remain in the Air Force.

In support of his appeal, the applicant provides a copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty.*

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

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

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.

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

AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial, indicating there is no evidence of an error or injustice with respect to his discharge processing. On 13 Feb 09, his commander notified him that he was recommending his discharge from the Air Force for mental disorders, specifically, an adjustment disorder with depressed mood, which was severe enough that his ability to function in the military was significantly impaired. The applicant stated during his mental health interview that his current state of depression would only be resolved if he returned home. Additionally, during a follow up session with the mental health clinic, he admitted that he had suicidal ideations and even suggested he should be admitted to an inpatient facility. He acknowledged receipt of the action and waived his right to consult with legal counsel or to submit statements on his own behalf. The discharge authority approved the separation and directed the applicant be furnished an entry-level separation with uncharacterized service. The record also reveals he received a sprained knee and received medication to alleviate the pain, but apparently he was cleared to continue training. Based on the documentation on file, the applicant’s entry-level separation was appropriately administered and within the discretion of the discharge authority. Airmen are given an entry-level separation with uncharacterized service when separation is initiated within the first 180 days of continuous active service. The Department of Defense determined it would be unfair to the member and the department to characterize a member’s limited service of less than 180 days.

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

AFPC/DPSOA recommends denial, indicating there is no evidence of an error or injustice. AFI 36-2606, *Reenlistments in the United States Air Force*, requires an RE code of 2C be issued based on the applicant’s entry-level separation with uncharacterized service. He does not provide any evidence of an error or injustice with regard to his RE code.

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

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 18 Oct 10 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit E).

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

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. After careful consideration of the 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 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.

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

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 AFBCMR Docket Number BC-2010-01632 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 25 Sep 09, w/atchs.

 Exhibit B. Applicant's Master Personnel Records.

 Exhibit C. Letter, AFPC/DPSOS, dated 16 Sep 10.

 Exhibit D. Letter, AFPC/DPSOA, dated 18 Oct 10.

 Exhibit E. Letter, SAF/MRBR, dated 12 Nov 10.

 XXXXXXXXXX

 Panel Chair