

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-00800

COUNSEL: NONE

HEARING DESIRED: NOT INDICATED

THE APPLICANT REQUESTS THAT:

His Reentry (RE) code of 4C (*Separated for concealment of juvenile records, minority, failure to meet physical standards for enlistment, failure to attain a 9.0 reading grade level as measured by the Air Force Reading Abilities Test, or void enlistments*) be changed.

THE APPLICANT CONTENDS THAT:

He was discharged under false pretenses and with his current RE code, he cannot reenlist unless he has the code changed. He was discharged because his HIV test came back as a false positive. When he took the blood test again it came back negative but by that time he had been discharged. He would like to get back in because he feels that he could have a long career 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*, issued in conjunction with his 23 Jun 10 discharge and other supporting documents.

The applicant's complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force, on 1 Jun 10, for a period of six years. He was involuntarily discharged, on 23 Jun 10, for Failed Medical/Physical Procurement Standards with uncharacterized service. He was credited with 23 days of active duty service.

THE AIR FORCE EVALUATION:

AETC/SGPS defers to the Board on the applicant's request to change his RE code of 4C.

Based on a review of the records provided, the applicant entered the service on 1 Jun 10 and was separated 23 Jun 10. He was seen at the Reid Clinic, on 15 Jun 10, for follow-up concerning a positive test result that disqualified him from continued military service. Because of the positive results, he was processed for an entry level separation. On 22 Jun 10, the repeat testing was returned showing a negative result, but according to the applicant it was too late to stop the separation processing, and he was separated on 23 Jun 10.

The complete AETC/SGPS evaluation is at Exhibit C.

AFPC/DPSOA recommends changing the applicant's RE code to 2C, - "*Involuntarily separated with an honorable discharge; or entry level separation without characterization of service.*", This is the correct code required by AFI 36-2606, *Reenlistments in the USAF*, Chapter 3, based on his entry level separation with uncharacterized service. The RE code 2C applies to all entry level separations without characterization of service regardless of whether the discharge is voluntary or involuntary and RE codes in the 2# series has priority over all other RE codes.

The complete AFPC/DPSOA evaluation is at Exhibit D.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 1 Jul 11 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. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice warranting corrective action. We took notice of the applicant's complete submission, in judging the merits of the case. We note the recommendation of AFPC/DPSOA to change the applicant's reentry code to "2C;" however, based on the review by AETC/SGPS, we note a repeat test was completed reflecting a negative result although it appears the applicant had already separated. As

such, in the interest of justice and based on the totality of the circumstances surrounding the applicant's case, we believe the more appropriate reentry code would be "3K," which can be waived to allow reenlistment provided he meets all other requirements for enlistment under an existing prior service program. Whether he is successful or will depend on the needs of the service concerned and our recommendation in no way guarantees he will be successful in returning to any branch of the service. Therefore, we recommend his records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that on 23 June 2010, he was discharged under the provisions of AFI 36-3208, (Secretarial Authority), with a Separation (SPD) code of "KFF," and his reentry code was "3K."

The following members of the Board considered AFBCMR Docket Number BC-2011-00800 in Executive Session on 25 October 2011, under the provisions of AFI 36-2603:

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 14 Feb 11, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AETC/SGPS, dated 25 Apr 11.
- Exhibit D. Letter, AFPC/DPSOA, dated 13 Jun 11.
- Exhibit E. Letter, SAF/MRBR, dated 1 Jul 11.

Panel Chair