

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00357
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His reentry (RE) code of "2C" (Involuntarily separated with an honorable discharge; or entry level separation without characterization of service) be changed to a code that would allow him to reenlist.

APPLICANT CONTENDS THAT:

He does not believe the RE code to be in error; however, it does deny him reenlistment into the Air Force.

In support of the applicant's appeal, he provides documents extracted from his military personnel records, and a Southwest Florida Public Service Academy training transcript, state officer examination test results and a certificate of completion (basic law enforcement class).

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 4 October 2001.

On 12 June 2003, the applicant was notified by his commander of his intent to recommend that he be discharged from the Air Force under the provisions of AFPD 36-32 and AFI 36-3208. The specific reasons are as follows:

a. On or about 17 October 2002, the applicant failed his first Career Development Course (CDC) exam.

b. On or about 16 January 2003, the applicant failed his second CDC exam.

He was advised of his rights in this matter and after consulting with counsel he elected to submit statements on his own behalf. In a legal review of the case file, the staff judge advocate found the case legally sufficient and recommended discharge. The discharge authority concurred with the recommendation and directed an honorable discharge. The applicant was discharged on 10 July 2003. He served 1 year, 9 months and 7 days on active duty.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Clarksburg, West Virginia, was unable to identify with an arrest record based on the information furnished.

AIR FORCE EVALUATION:

AFPC/DPSOA recommends denial. DPSOA states the RE code 2C is required per AFI 36-2606, *Reenlistments in the USAF*, chapter 3, based on his involuntary discharge with honorable character of service. The applicant does not provide proof of an error or injustice in reference to his RE code; the applicant states "I personally do not believe the record to be an error but the reentry code denies my reentry back into the U.S. Air Force."

RE code 2C is the appropriate RE code.

The DPSOA complete evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 26 March 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and response within 30 days (Exhibit E). 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 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 a thorough review of the evidence of record, it is our opinion that given the circumstances surrounding his separation from the Air

Force, the RE code assigned was proper and in compliance with the appropriate instructions. In addition, the applicant has not provided any evidence which would lead us to believe that a change to his RE code to allow him to reenlist is warranted. Therefore, we agree with the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. In the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of an 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-2012-00357 in Executive Session on 30 August 2012, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00357 was considered:

- Exhibit A. DD Form 149, dated 30 January 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOA, dated 19 March 2012.
- Exhibit D. Letter, SAF/MRBR, dated 26 March 2012.