



On 5 May 09, the case was reviewed and determined to be legally sufficient, and the discharge authority directed the applicant be discharged with an Honorable discharge without probation or rehabilitation due to failure in the Fitness Program.

On 15 May 09, the applicant was furnished an Honorable Discharge with a RE Code of 2C, and was credited with 8 years, 10 months, and 25 days of total active service.

The remaining relevant facts pertaining to this application are described in the letter prepared by the Air Force office of primary responsibility (OPR) which is attached at Exhibit C.

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AIR FORCE EVALUATION:

AFPC/DPSOA recommends denial with respect to the applicant's RE Code indicating there is no evidence of an error or injustice. He received an RE Code of 2C, "Involuntarily separated with an honorable discharge, or entry level separation without character of service." The RE Code of 2C is required per AFI 26-2606, *Reenlistment in the USAF*, Chapter 5, based on his involuntary discharge. The applicant seems to believe waiving his right to a discharge review board makes his involuntary discharge a voluntary discharge; however, that is not the case, as the applicant was involuntarily separated under the appropriate administrative guidance.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 18 May 12 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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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 timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and

recommendation of the Air Force office of primary responsibility (OPR) and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. The discharge was consistent with the substantive requirements of the discharge regulation and within the commander's discretionary authority for multiple Fitness Assessment failures. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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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 the application.

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The following members of the Board considered AFBCMR Docket Number BC-2012-00381 in Executive Session on 16 Aug 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 25 Jan 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOA, dated 8 May 12.
- Exhibit D. Letter, SAF/MRBR, dated 18 May 12.

Panel Chair