

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00396

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her reenlistment eligibility (RE) code of "6H" (Pending Discharge IAW ANGR 39-10 - INVOL (ANG Only)) be changed to allow her to enlist in the Army National Guard.

APPLICANT CONTENDS THAT:

The RE code 6H is preventing her from enlisting in the Tennessee Army National Guard. She was notified that her security clearance was pending revocation due to her finances. She was discharged because she failed to respond in a timely manner. She has since filed bankruptcy and has made arrangements to repay her debts.

In support of her request, the applicant provides an expanded statement, three character references, a copy of her NGB Form 22, *Report of Separation and Record of Service*.

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

STATEMENT OF FACTS:

The applicant's NGB Form 22 reflects she enlisted in the Ohio Air National Guard on 3 Oct 05. She served as an Air Transportation Journeyman.

On 12 Apr 08, the applicant's commander notified her that he was recommending her discharge from the Ohio ANG and as a Reserve of the Air Force in the interest of national security (failure to maintain a security clearance). The specific reason for the discharge action was that her security clearance was revoked by the Air Force Central Adjudication Facility due to financial delinquencies.

Her commander advised her of her rights in this matter. The applicant acknowledged receipt of the notification for discharge.

On 12 Sep 08, the legal office reviewed the case, found it legally sufficient and concurred with the commander's recommendation.

On 2 Nov 08, the staff judge advocate (SJA), for the State of Ohio Air, Adjutant General's Department also found the case legally sufficient, noting it is every airman's responsibility to maintain his or her finances. The applicant was given ample opportunity to provide information that could have resulted in her retaining her security clearance; however, she failed to respond in a timely manner. The SJA recommend she be furnished a general discharge.

On 6 Nov 08, the applicant was furnished a general discharge and credited with three years, one month, and four days of total Reserve service.

AIR FORCE EVALUATION:

NGB/AlPOE recommends denial noting they found no injustice to warrant changing the applicant's RE code. The RE code 6H only applies to the Air National Guard and is used when a service member is pending/approved for involuntary separation/discharge in accordance with AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*. Furthermore, this RE code is not a derogatory code and should not be barrier to the applicant's enlistment.

The NGB/AlPOE complete evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 27 Mar 12, for review and comment 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. 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 and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. Therefore, 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 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-2012-00396 in Executive Session on 6 Sep 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 1 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Military Personnel Records.
- Exhibit C. Letter, NGB/A1POE, dated 21 Feb 12.
- Exhibit D. Letter, SAF/MRBR, dated 27 Mar 12

Panel Chair