

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00415  
COUNSEL:  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His records be corrected to reflect he was not removed from aviation training as a pilot and that he did not lose his aeronautical badge (pilot wings).

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APPLICANT CONTENDS THAT:

His actions during a student training ride on 29 January 2011 did not justify his loss of wings or permanent removal from aviation service. There was no mishap or risk of damage to an aircraft or potential loss of life or injury. The FEB recommendations were inappropriate based on a lack of evidence to support the board's ruling. In addition, his prior aviation record of performance as a K-135 pilot should be considered as a basis for overturning the decision by the commander of the Air Education and Training Command (AETC).

In support of his appeal, the applicant provides a personal declaration statement, a statement from his counsel, an Area Defense Counsel's letter, a 19<sup>th</sup> Air Force Special Interest Item concerning Flight Discipline, personal memorandums to his superiors in regard to the Flight Evaluation Board (FEB), a copy of the FEB transcript, notification of the FEB's decision, and several letters of support.

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

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STATEMENT OF FACTS:

The applicant is currently serving on active duty in the grade of captain (O-3).

The applicant met an FEB on 25 March 2011 for lack of judgment and violation of numerous aviation instructions during a training sortie on 29 January 2011. The FEB board, convening authority, and reviewing authority recommended the applicant be permanently disqualified from aviation service, prohibited from wearing the aviation badge, and be eligible for discharge from the Air Force or be reassigned to non-aviation service in accordance with the

needs of the Air Force. On 29 June 2011, the approval authority approved the findings and recommendations of the FEB.

The remaining relevant facts, extracted from the applicant's master service records, are contained in the evaluation by the Air Force office of primary responsibility at Exhibit C.

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AIR FORCE EVALUATION:

AETC/A3V recommends denial. A3V states the applicant's lack of sound judgment and blatant disregard of standards and regulations were severe enough to warrant review of his continued service as a pilot through the FEB process. The recommendation to remove him from aviation service and revoke the privilege of wearing the aviation badge was justified and should stand.

The complete A3F evaluation, with attachment, 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 12 March 2012, for review and comment within 30 days (Exhibit D). As of this date, this office has received no response.

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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 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 their rationale as the basis for our conclusion that 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.
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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of material error or injustice; that the application was denied without a personal appearance; and

that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered AFBCMR Docket Number BC-2012-00415 in Executive Session on 20 September 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00415 was considered:

- Exhibit A. DD Form 149, dated 30 Jan 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AETC/A3V, dated 6 Mar 12, w/atchs.
- Exhibit D. Letter, SAF/MRBR, dated 12 Mar 12.

Panel Chair