

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00555

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. Her Re-entry (RE) code of "2K," *Commander Initiated Involuntary Separation Action*, be changed.
 2. Her Separation Code "JHJ," *Unsatisfactory Performance*, be changed.
-

APPLICANT CONTENDS THAT:

The separation code on her DD Form 214; *Certificate of Discharge or Release from Active Duty*, is making it impossible to receive Veterans Administration (VA) benefits and her reentry code is unfair. She received an honorable discharge because she barely failed her Career Development Course (CDC). She scored 64% on the test and was given the option to separate. She opted to separate, without a fight, because she was told she would still receive her GI Bill benefit. She found out later that since she did not serve at least two years, she actually forfeited the GI Bill benefit.

She is trying to buy her first home and was hoping to apply for a VA loan but is unable to apply since she is not recognized as a veteran even though she served her country.

The applicant did not provide any supporting documents.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

Based on the available records, the applicant enlisted in the Regular Air Force on 4 June 1997. She was discharged on 5 February 1999 with an honorable characterization of service and credited with 1 year, 8 months, and 1 day of active duty service.

AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial. DPSOS states there is insufficient evidence contained within the applicant's military record to confirm the circumstances and facts surrounding the applicant's discharge. Absent the documentation, there is a presumption of regularity in which the applicant was afforded due process and the discharge was consistent with procedural and substantive requirements of the discharge regulation.

The applicant did not provide any evidence or identify any errors or injustices that occurred in the discharge processing.

The complete AFPC/DPSOS evaluation is at Exhibit C.

AFPC/DPSOA recommends administrative correction of the RE Code. DPSOA states the applicant received an erroneous RE Code on her DD Form 214. When the discharge authority approved the applicant's involuntary discharge with honorable character of service, her RE Code should have been changed to "2C" *Involuntarily Separated with an Honorable Discharge or Entry Level Separation Without Characterization of Service*, as required by AFI 36-2606, *Reenlistments in the United States Air Force* chapter 3, based on her involuntary separation with honorable character of service. It is clear the RE code should be 2C, however, they do not know if this will allow the applicant to receive her desired outcome of being able to receive a VA loan.

The applicant's RE Code is driven by her involuntary separation with honorable character of service. AFPC/DPSOY will provide the applicant a corrected copy of her DD Form 214 with an RE Code of 2C, unless otherwise directed by the Board.

The complete AFPC/DPSOA evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 8 June 2012 for review and comment within 30 days (Exhibit E). To date, this office has not received a response.

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. Sufficient relevant evidence has been presented to demonstrate the existence of error or injustice warranting a measure of relief. We note AFPC/DPSOS states there is insufficient evidence contained within the applicant's military record to confirm the circumstances and facts surrounding her discharge and recommends denial. We note the applicant desires to apply for a VA Loan but lacks the required 24 months of continuous active duty service. We believe that since the applicant's performance of duties were satisfactory and she only failed the CDC test by one point some form of relief is in order. Therefore, we elect to change the narrative reason to reflect "Secretarial Authority" with the correlating SPD code of "KFF" and her RE code to "3K" (Secretarial Authority). RE-3K is a code that can be waived for prior service enlistment consideration and possible continued service provided member is otherwise qualified. Whether or not she is successful will depend on the needs of the service. Therefore, we recommend her records be corrected as indicated below.

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that at the time of her honorable discharge on 5 February 1999, she was issued a Separation Code of "KFF" with Narrative Reason for Separation to reflect "Secretarial Authority" and a Reentry (RE) Code of "3K".

The following members of the Board considered this application BC-2012-00555 in Executive Session on 31 July 2012, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149 dated 13 February 2012.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOS, dated 24 April 2012.
- Exhibit D. Letter, AFPC/DPSOA, dated 21 May 2012.
- Exhibit E. Letter, SAF/MRBR, dated 8 June 2012.