

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00821  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His reentry (RE) code of "4C" (Separated for concealment of juvenile records, minority, failure to meet physical standards for enlistment, failure to attain a 9.0 reading grade level as measured by the Air Force Reading Abilities Test, or void enlistments) be changed to RE code "1J" (Eligible to reenlist, but elects separation).

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APPLICANT CONTENDS THAT:

He is unable to reenlist with his current RE code. Medical documentation, AFIs and DoDis, all state that his condition is not grounds for discharge.

In support of the applicant's appeal, he provides a personal statement, letter of support and documents extracted from his military personnel records.

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

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 15 August 2006.

On 29 September 2006, 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 reason was a medical narrative summary dated 27 September 2006 that found he did not meet minimum medical standards to enlist. He should not have been allowed to join the Air Force because of pectus carinatum.

He was advised of his rights in this matter and elected not to consult with counsel and elected not to submit a statement on his own behalf. In a legal review of the case file, the chief, military justice found the case legally sufficient and recommended discharge. The discharge authority concurred with

the recommendation and directed an entry level separation. The applicant was discharged on 5 October 2006. He served 1 month and 21 days on active duty.

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AIR FORCE EVALUATION:

AETC/SGPS finds the separation questionable since he meets current medical criteria for military duty; they support a change to his RE code. SGPS states the applicant was seen in Trainee Health on his second day of training for what appears to be shortness of breath. He was administered pulmonary function test which was normal as well as a methacholine challenge test that was negative. He declined the option to have his case reviewed for a medical waiver. It is unclear why this individual was separated and there was no documentation in the file that supports this action based on the DoDI.

The SGPS complete evaluation is at Exhibit C.

AFPC/DPSOA recommends denial of his request for a reenlistment eligible RE code. DPSOA states the applicant received an erroneous RE code on his DD Form 214 of 4C. His correct RE code is 2C (Involuntarily separated with an honorable discharge; or entry level separation without characterization of service) as required by AFI 36-2606, *Reenlistments in the USAF*, chapter 3, based on his entry level separation without characterization of service. The RE code 2C applies to all entry level separations without characterizations of service regardless of whether the discharge is voluntary or involuntary. AETC/SGPS states the applicant meets current medical requirements, a waiver from recruiting would be appropriate versus changing the applicant's correct RE code of 2C.

AFPC/DPSOY will provide the applicant a corrected copy of his DD Form 214 with an RE code of 2C, unless otherwise directed by the board.

The DPSOA complete evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 18 April 2012, a copy of the Air Force evaluation was forwarded to the applicant for review and response within 30 days. As of this date, no response has been received by this office.

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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 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. The applicant's complete submission was thoroughly reviewed and his contentions were duly noted. However, we do not find the applicant's assertions and the documentation presented in support of his appeal sufficiently persuasive to override the rationale provided by AFPC/DPSOA. However, we note that AFPC/DPSOA will correct the applicant's RE Code to 2C to appropriately reflect his entry level separation with uncharacterized service. We agree with this correction. Therefore, relief beyond that already administratively granted is not warranted. 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 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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-00821 in Executive Session on 31 July 2012, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00821 was considered:

- Exhibit A. DD Form 149, dated 14 February 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AETC/SGPS, dated 31 March 2012.
- Exhibit D. Letter, AFPC/DPSOA, dated 12 April 2012.
- Exhibit E. Letter, SAF/MRBR, dated 18 April 2012.