

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00934
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His reentry (RE) code of "2B" (Involuntarily separated with a general or under other than honorable conditions discharge) be changed to a code that would allow him to reenlist.

APPLICANT CONTENDS THAT:

His entire enlistment was not dishonorable. He does acknowledge that all of his actions were not carefully considered. He desires a chance to bring honor to his country and his family.

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

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 17 March 2009.

On 29 March 2011, 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 reasons are as follows:

a. Between on or about 23 April 2010 and 10 February 2011 the applicant received numerous Letters of Counseling (LOCs) regarding his negative attitude and conduct, speeding in base housing, and for failing to report for duty at the appointed time.

b. On or about 9 January 2011, the applicant did assault an airman by loading a magazine in his M4 rifle, pulling the charging handle to the rear, and placing his weapon on fire, for the purpose of scaring the airman.

c. On or about 8 July 2010 and 26 January 2011 the applicant received two Letters of Reprimand (LORs) for being in violation of AFI 36-2903, Dress and Personal Appearance of Air Force Personnel and for failing to report an accident that occurred while he was driving a leased vehicle after being told to do so.

He was advised of his rights in this matter and elected to submit a statement on his own behalf. In a legal review of the case file, the staff judge advocate found the case legally sufficient and recommended discharge. The discharge authority concurred with the recommendation and directed a general discharge. The applicant was discharged on 26 April 2011. He served 2 years, 1 month and 10 days on active duty.

AIR FORCE EVALUATION:

AFPC/DPSOA recommends denial. DPSOA states the RE code 2B is required per AFI 36-2606, *Reenlistments in the USAF*, chapter 3, based on his involuntary discharge with general (under honorable conditions) character of service. The applicant's discharge stemmed from his own actions to include six infractions which lead to 3 LOCs, 2 LORs, and an Article 15. The applicant does not provide any proof of an error or injustice in reference to his RE code 2B. RE code 2B is correct per his general discharge.

The DPSOA complete evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant states he regrets the bad choices he made while in the military; however, he is a changed man. He now has a stronger relationship with his wife and church family. He desires to reenlist.

The applicant's complete response, with attachments, is at Exhibit E.

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. After a thorough review of the evidence of record, we believe that given

the circumstances surrounding his separation from the Air Force, the RE code assigned was proper and in compliance with the appropriate instructions. In addition, the applicant has not provided any evidence which would lead us to believe that a change to his RE code to allow him to reenlist is warranted. Therefore, we agree with the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. 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 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.

The following members of the Board considered AFBCMR Docket Number BC-2012-00934 in Executive Session on 20 September 2012, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00934 was considered:

- Exhibit A. DD Form 149, dated 15 January 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Record.
- Exhibit C. Letter, AFPC/DPSOA, dated 27 April 2012.
- Exhibit D. Letter, SAF/MRBR, dated 11 May 2012.