

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01202

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His reentry (RE) code 4H (*-serving suspended punishment pursuant to Article 15*) be changed to allow him to enter the Army National Guard.

APPLICANT CONTENDS THAT:

He believes his RE code is unjust because his AF Form 100, *Request and Authorization for Separation*, shows his RE code as 2B (*separated with a general or under than honorable conditions discharge*). He believes he should be allowed to serve his country again since his mistake was an isolated incident and not a pattern of misconduct. He is in the process of enrolling in a technical college for law enforcement and would like nothing more than to serve his community and country.

In support of his appeal, the applicant provides his DD Form 214, *Certificate of Release or Discharge from Active Duty* and his AF Form 100.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 1 March 2006. On 15 November 2007, he was notified of his commander's intent to discharge him from the Air Force for misconduct - drug abuse. Specifically, the applicant wrongfully used marijuana. The applicant acknowledged his right to counsel and submit matters on his behalf: which he did. On 3 December 2007, the commander directed the applicant be separated with a general (under honorable conditions) discharge. He was credited with 1 year, 9 months and 5 days of active duty service and his RE code was listed as 4H.

AIR FORCE EVALUATION:

AFPC/DPSOA recommends denial. The applicant was involuntarily separated for misconduct - drug abuse. He received an erroneous RE code of 4H; his correct RE code is 2B. The applicant's discharge was a result of his own actions and requires RE code 2B per AFI 36-2606, *Reenlistments in the Air Force*.

Unless otherwise directed by the Board, AFPC/DPSOY will publish and provide the applicant with a corrected copy of his DD Form 214.

The complete DPSOA evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 19 June 2012, for review and comment within 30 days (Exhibit D). As of this date, this office has received no 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. 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 are not persuaded by the evidence submitted in his appeal that a change in his RE code is warranted. Therefore, 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 that relief beyond that already granted administratively is not warranted. 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 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.

The following members of the Board considered AFBCMR Docket Number BC-2012-01202 in Executive Session on 21 August 2012 under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 28 Mar 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOA, dated 11 May 12.
- Exhibit D. Letter, SAF/MRBR, dated 19 Jun 12.

Panel Chair