

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01323
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His reentry (RE) code of 4H which denotes "Serving suspended punishment pursuant to Article 15, Uniform Code of Military Justice" be corrected to allow him reentry into the military.

APPLICANT CONTENDS THAT:

He was not commanded to leave the Air Force. He chose to separate at the end of his enlistment, and was never informed of any reentry problems during his out-processing briefings.

He did not know what the reentry code meant and saw the honorable discharge and assumed everything was okay.

It was not until he decided to join the Air National Guard that he realized there was a problem with his RE code.

In support of his request, the applicant provides a copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

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

STATEMENT OF FACTS:

On 22 Aug 00, the applicant enlisted in the Regular Air Force.

On 23 Dec 04, the applicant received an Article 15 for violating a lawful general regulation by wrongfully transmitting sexually explicit images via his government email account. His punishment consisted of a suspended reduction to the grade of airman first class through 22 Jun 05, a forfeiture of \$500.00 pay per month for two months, and a restriction to the limits of the base for 45 days.

On 9 Nov 05, the applicant completed AF Form 31, *Airman's Request for Early Separation/Separation Based on Change in Service Obligation*, with a requested date of separation of 23 May 06, and his commander approved his request.

On 23 May 06, the applicant was honorably discharged and received an RE code of 4H. He served on active duty for a period of five years, nine months, and two days.

AIR FORCE EVALUATION:

AFPC/DPSOA recommends that the Board direct a change in the applicant's RE code to 3K "Reserved for use by HQ AFPC or the AFBCMR when no other reenlistment code applies or is appropriate."

DPSOA states the applicant received an Article 15 on 23 Dec 04, and was assigned an RE code of 4H based on serving a suspended punishment that expired 22 Jun 05. At the time of his separation he was not eligible to reenlist because his RE code was "4H." The applicant's commander never selected or non-selected the applicant for reenlistment, which would have changed his RE code.

The complete DPSOA evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 11 May 12, a copy of the Air Force evaluation was forwarded to the applicant for review and comment within 30 days. As of this date, a response has not been received by this office (Exhibit D).

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 an error or injustice. After reviewing the applicant's request and noting the opinion and recommendation of the Air Force office of primary responsibility (OPR), we believe a measure of relief is warranted. In this respect, AFPC/DPSOA has pointed out that the applicant's RE code at the time of separation was incorrect since his suspended punishment pursuant to an Article 15 had expired on 22 Jun 05. Also, because of the incorrect RE code the applicant was not considered for reenlistment under the Selective Reenlistment Program. Therefore, we agree with the Air Force OPR that the applicant's RE code should be changed to 3K. Our recommendation

in no way guarantees that he will be allowed to return to any branch of the service and any such entrance will be contingent upon needs of the service for which he applies. In view of the above, we recommend his records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that he was discharge on 23 May 06 with a reentry code of "3K" rather than "4H."

The following members of the Board considered AFBCMR Docket Number BC-2012-01323 in Executive Session on 5 Sep 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 4 Apr 12, w/atc.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOA, dated 3 May 12.
- Exhibit D. Letter, SAF/MRBR, dated 11 May 12.

Panel Chair