

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02082
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. His Nurse Enlisted Commissioning Program (NECP) scholarship be reinstated.
 2. His DD Form 785, *Record of Disenrollment from Officer Candidate - Type Training*, be corrected to reflect that he was diagnosed with alcohol dependence after self identifying to the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) clinic or that the DD Form 785 be expunged from his records.
 3. His official disenrollment date of 19 Jan 2012 be changed to 31 Dec 2011, or earlier to allow him to test for technical sergeant (TSgt, E-6) in the 09E6 testing cycle.
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APPLICANT CONTENDS THAT:

The decision to revoke his NECP scholarship was capricious. He was diagnosed with a condition that rendered him ineligible to commission. Through phone calls to the Air Force Academy ADAPT Program, he found that being diagnosed with alcoholism does not preclude an individual from being able to commission. United States Air Force Academy (USAFA) cadets are able to graduate, commission and start their careers in the United States Air Force. Cadets can self identify after commissioning and not worry about losing their commission.

The DD Form 785 was prepared incorrectly and displays a level of degradation to his character. He was unofficially disenrolled for being diagnosed with alcohol dependence. The DD Form 785 states, "This correspondence is to advise that you are being disenrolled from the NECP program. You have been diagnosed with a condition that, in accordance with (IAW) AFI 36-2005, *Appointment in Commissioned Grades and Designation and Assignment in Professional Categories - Reserve of the Air Force and United States Air Force*, Table 2.2, Item 1, renders you ineligible for appointment into the Nurse Corps. As a result, you are being disenrolled from the NECP due to your ineligibility to commission as a nurse. Your disenrollment will be without prejudice." AFI 36-2005, Table 2.2, Item 1 states "Applicants are ineligible for appointment when one of the following conditions exist: Questionable moral character, history of antisocial behavior, alcoholism, frequent

difficulties with law enforcement agencies, history of psychotic disorders, transsexualism and other gender identity disorders, exhibitionism, transvestitism, voyeurism and other paraphilias." As it is displayed, the DD Form 785 is open to interpretation. He requests that the DD Form 785 be corrected to state that he was diagnosed with alcohol dependence after self identifying to the ADAPT clinic or it be expunged from his record.

His official disenrollment date of 19 Jan 2012 made him ineligible to test for promotion to the grade of technical sergeant (TSgt, E-6) for the E609 cycle. The disenrollment process took 104 days (5 Oct 2011 through 19 Jan 2012).

In support of his request the applicant provides copies of numerous statements, memorandums, DD Forms 785, and other documents in support of his request.

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

STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of staff sergeant (SSgt, E-5), having assumed that grade effective and with a date of rank (DOR) of 1 Jun 2008.

The NECP offers active duty enlisted personnel the opportunity to earn a bachelor's degree in a high demand academic major. Upon successful completion of both the Bachelor of Science in Nursing degree and the National Council Licensure Examination (NCLEX), NECP students will be commissioned, attend Commissioned Officer Training (COT), the Nurse Transition Program (NTP) and then move to a final assignment location. NECP students will complete their degree at a college or university with an AFROTC detachment or a college/university that has a "cross-town agreement" with a college or university with an AFROTC detachment that is in the vicinity. HQ AFPC/DPANN manages applicants and administratively assigns them to the AFROTC detachment at a college with tuition less than \$15,000 per year. Students receive an annual book stipend of \$600.00 and must absorb the cost of books/supplies required over the authorized stipend. Students continue to receive full Active Duty pay and benefits while in the NECP. This scholarship is awarded in return for an Active Duty service obligation. Students are under contract to complete their education program by their anticipated contract date or within 24 months.

The remaining relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letters prepared by the appropriate offices of the Air Force at Exhibits B, C and D.

AIR FORCE EVALUATION:

AFPC/DPAMN recommends denial of the applicant's requests to have his NECP scholarship reinstated and that his DD Form 785 be corrected to reflect that he was diagnosed with alcohol dependence after self identifying to the ADAPT clinic or that the DD Form 785 be expunged from his records.

DPAMN states his request to be reinstated into the NECP was reconsidered twice. The applicant had not attended class for nearly two months and had experienced a relapse and repeat hospitalization. In Dec 2011, the squadron commander asked for reconsideration and a delay in disenrollment awaiting education program information from the university showing he could complete the program in 24 months or less. DPANN sought legal and Air Staff guidance, then granted the opportunity for reconsideration pending new program information and release of medical information. After receiving educational program information and a release to speak with his medical provider, it was revealed he was diagnosed with alcoholism, a condition rendering him ineligible for commissioning IAW AFI 36-2005. On 24 Feb 2012, his appeal for reconsideration was also addressed via his request for redress pursuant to Article 138 Complaint under the Uniform Code of Military Justice. At that time, his request was reviewed and regarded as a reconsideration/waiver for readmission into the NECP. That request was denied. IAW AFI 36-2005, Table 2.2, Item 1, he is ineligible for appointment into the Nurse Corps. There are additional considerations for the commissioning of nurse corps officers regarding eligibility for State Boards of Nursing (SBON) licensure. For many states, alcohol dependency is grounds to preclude initial licensure. The application process for professional nursing licensure requires the member to report any inpatient treatment and provide their treatment plan and prognosis to the SBON. While state boards may consider the information and issue a restricted license, the Air Force Nurse Corps cannot accept such a restriction. To continue a member in a scholarship program where the ability to obtain an unrestricted license to practice is questionable and would not be advisable. He remains ineligible for appointment into the Nurse Corps. He required two inpatient hospitalizations during the fall semester of his Air Force sponsored NECP schooling and subsequent treatment for alcohol dependency. The resulting diagnosis of alcoholism from these events is listed in AFI 36-2005 as a condition of ineligibility for commissioning. Based on this diagnosis, his disenrollment should remain in effect.

In regards to his request that the DD Form 785 state, more specifically, why he was disenrolled from the NECP. The remarks section of his DD Form 785 states "You have been diagnosed with a condition that, in accordance with AFI 36-2005, Table 2.2, Item 1, renders you ineligible for appointment into the Nurse

Corps. As a result, you are being disenrolled from NECP due to your ineligibility to commission as a nurse." To avoid documenting privately protected medical information in a permanent personnel record, a general statement was used. DPAMN therefore recommends avoiding the placement of a medical diagnosis in his personnel record by keeping the current language reflected on the DD Form 785.

Notwithstanding the above, DPAMN, recommends approval of his request to change his disenrollment date to 31 Dec 2011. This change makes him eligible to test for E-6 in the E612 cycle. DPANN attempted to disenroll him on three separate occasions. First, beginning in Oct 2011 when he began missing a significant amount of school and appeared to not be able to complete his education program in the contracted 24 months. At that time, his squadron commander advised that he was hospitalized and unable to execute the documents. The second attempt was the first week of Dec 2011, when the squadron commander again asked for more time to allow him to pursue a revised education program that might allow completion within the contracted 24 months. In Jan 2012, DPAMN became aware that he received a medical diagnosis of alcoholism, which was incompatible with commissioning. Given the fact the he had not been participating as an NECP student due to hospitalizations, treatment and administrative conditions since Oct 2011, it is reasonable to adjust the disenrollment date to 31 Dec 2011.

The complete DPAMN evaluation, with attachments, is at Exhibit B.

AFPC/DPSOE recommends denial of the applicant's request for supplemental promotion consideration for cycle 09E6. DPSOE states he was not time-in-grade (TIG) eligible. Based on the applicant's 1 Jun 2008 DOR to staff sergeant, he was not TIG eligible for promotion consideration to TSgt for cycle 09E6. The DOR required to be considered during this cycle was 1 Aug 2007. He was considered and nonselected for promotion to TSgt during cycle 10E6 before his entry into the NECP on 23 Aug 2010. He was ineligible for promotion consideration during cycle 11E6 as he was currently participating in the NECP. DPAMN has recommended his disenrollment date be changed from 19 Jan 2012 to 31 Dec 2011; however, the applicant will remain ineligible for supplemental promotion consideration for cycle 11E6. IAW AFI 36-2502, *Airman Promotion/Demotion Programs*, paragraph 4.1.6., promotion eligibility may be reinstated if airmen are disenrolled from training through no fault of their own. The training facility commander must make a recommendation for reinstatement. Since he was disenrolled from the NECP due to a medical diagnosis of alcoholism, he is ineligible for promotion consideration for cycle 11E6.

The complete DPSOE evaluation is at Exhibit C.

AFPC/DPANN recommends denial of the applicant's request to have his NECP scholarship reinstated and that his DD Form 785 be corrected to reflect that he was diagnosed with alcohol dependence after self identifying to the ADAPT clinic or that the DD Form 785 be expunged from his records. DPANN states they recommend approval of his request to change his disenrollment date to 31 Dec 2011 to allow him to test for TSgt in the E609 cycle if he meets the eligibility criteria.

The complete DPANN evaluation, with attachment, is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

His relapse occurred for a short period after he was discharged. However, he has not consumed alcohol and had been in recovery for nine months.

The only class time that he missed was when he self identified to ADAPT and was undergoing treatment from 7 Oct 2011 until 3 Nov 2011. In that time he had requested that he be withdrawn from class because he would not be able to catch up and continue in class. Throughout Nov 2011 he was not attending class because he had withdrawn and was working with the squadron commander and DPAMN to be reinstated.

In Dec 2011, after working with the Dean of College Nursing, they came up with a plan that would allow him to graduate in Aug 2012. This academic plan would have made it possible for him to graduate in the contracted 24 month time frame.

He called the State Board of Nursing (SBON) and they told him that his situation would be presented to the SBON and it was possible that he may be able to obtain a restricted license. They went on to state that they could not ascertain the outcome until he graduated from an accredited university, possessed a Bachelors of Science degree in Nursing, and submitted his application. AFPC stated that they could not allow him to continue in school unless there was a guarantee he would receive an unrestrictive license.

He further reasserts that the DD Form 785 is degrading in nature due to the wording used. The table of conditions listed in AFI 36-2005, Table 2.2, Item 1, can be left open for interpretation. He also believes that because he self identified to the ADAPT clinic and was not command directed, it should reflect as such on the DD Form 785. He did the right thing by asking for help and believes he should be credited for doing so.

There was bias during his elimination from the NECP. There were also many attempts by DPAMN to disenroll him for reasons not stated in this particular advisory opinion. He is aware there are Air Force instructions that state ineligibility factors for

commission; however, he finds it hard to believe this can happen to a person who has a spotless military record; a person who practiced integrity by stepping up and doing the right thing. He questions how it is possible that USAFA cadets who are diagnosed with alcohol dependency are able to continue with school, graduate, commission and start their careers. The NECP and the USAFA are both commissioning avenues. The only difference is that NECP students have a wealth of knowledge and time invested in the USAF.

His complete submission, with attachments, is at Exhibit F.

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. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinions and recommendations of the Air Force offices of primary responsibility (OPR) and adopt their rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. We note that DPAMN has corrected the applicant's DD Form 785 to reflect 31 Dec 2011 as his disenrollment date so this portion of his request is moot. We also note the applicant's comments in response to the Air Force evaluations; however, we do not find his assertions in and of themselves sufficiently persuasive to override the rationale provided by the Air Force OPRs. Therefore, in the absence of evidence to the contrary, we find no basis to reinstate his NECP scholarship or correct/expunge the DD Form 785 in his records. Therefore, 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 Docket Number BC-2012-02082 in Executive Session on 5 Nov 2012, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered in AFBCMR BC-2012-02082:

- Exhibit A. DD Form 149, dated 15 May 2012, w/atchs.
- Exhibit B. Letter, AFPC/DPAMN, dated 19 Jun 2012, w/atchs.
- Exhibit C. Letter, AFPC/DPSOE, dated 11 Jul 2012.
- Exhibit D. Letter, AFPC/DPANN, dated 2 Aug 2012, w/atch.
- Exhibit E. Letter, SAF/MRBR, dated 6 Aug 2012.
- Exhibit F. Letter, Applicant, dated 17 Aug 2012, w/atchs.

Panel Chair