

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02475
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His reentry (RE) code of "2C - *First-term, second-term, or career airman considered but not selected for reenlistment under the SRP [Selective Reenlistment Program]*," be changed to "1A - Fully qualified for enlistment."

APPLICANT CONTENDS THAT:

The RE code he received is unjust. He was honorably discharged and needs his RE code changed so he can enlist in the Marine Corps. The RE code he received was as a result of not being selected for reenlistment due to cutbacks in the Air Force.

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

STATEMENT OF FACTS:

The applicant was honorably discharged on 31 March 2012 under the Air Force Shaping Rollback Program after serving 1 year, 7 months, and 28 days on active duty. He was identified as eligible for the rollback based on a suspended Article 15 punishment. The applicant was non-recommended for reenlistment by his supervisor, and was subsequently non-selected for reenlistment by his commander on 8 November 2011. The applicant acknowledged his non-selection and rendered his intent not to appeal the decision; however, he did submit an appeal package. The applicant's commander stated his actions negatively impacted the lives of three other airmen and had a long lasting negative affect with his unit's team building. His DD Form 214 reflects an RE code of "2X."

AIR FORCE EVALUATION:

AFPC/DPSOA recommends denial. DPSOA states the applicant does not provide any proof of an error or injustice in reference to his RE code. He states that he was eligible to reenlist but was not selected due to Air Force cut-backs. However, he was not

selected for reenlistment and identified as eligible for the AF Force Shaping Rollback Program based on the suspended Article 15 punishment he was serving. Regardless of the rollback, the applicant's commander would have had to select or non-select him for reenlistment when his current ineligibility condition (suspended non-judicial punishment) expired. All the rollback eligibility did was to give the commander the ability to make the decision to select or non-select the applicant for reenlistment at an earlier point.

The applicant requests an RE code of "1A," *Fully qualified for enlistment*; however, Air Force Instruction 36-2606, Chapter 5, states not to separate members in the RE code 1# series except for "1J," *Eligible to reenlist, but elects separation*. (All airmen selected under the SRP and elect separation are given RE code "1J.") The applicant cannot be awarded an RE code of "1J" as he was denied reenlistment by his commander under the SRP.

The complete DPSOA evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

He received an Article 15 under false pretenses. He was accused of wrongful sexual contact from three airmen that he worked with. He has never done any of the actions he was accused of by the three airmen. He believes the investigation was never completed correctly since they only interviewed the witness that encouraged one of the airmen to accuse him. One airman testified that his wife was a witness to his actions, but his wife was never questioned. If the investigation had been completed correctly, he would not be in this situation.

Along with his rebuttal, the applicant provides a letter of support from his wife and his rebuttal letters to the charges against him.

The applicant's complete rebuttal, with attachments, is at Exhibit D.

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 error or injustice. We took notice of the applicant's complete submission in judging the merits of the case. However, 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 the applicant has not been the victim of an error or injustice. The applicant's comments concerning the propriety of the Article 15 are noted; however, he provides no corroborative evidence to support his contentions. Moreover, he has not provided substantial evidence that but for the Article 15 he would have been selected for reenlistment. Therefore, in view of the above and 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-2012-02475 in Executive Session on 21 February 2013, under the provisions of AFI 36-2603:

_____, Chair
_____, Member
_____, Member

The following documentary evidence was considered in connection with AFBCMR Docket Number BC-2012-02475:

- Exhibit A. DD Form 149, dated 29 May 12, w/atchs.
- Exhibit B. Letter, AFPC/DPSOA, dated 11 Jul 12.
- Exhibit C. Letter, SAF/MRBR, dated 7 Aug 12.
- Exhibit D. Letter, Applicant, dated 14 Aug 12, w/atchs.

Chair