

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02736
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His debt of education costs incurred through participation in the Air Force Reserve Officer Training Corps (AFROTC) be cancelled.

APPLICANT CONTENDS THAT:

He was asked to separate; therefore, he feels his debt is unjust. It was not his intent or desire to separate. Being unemployed and asked to pay back over \$13,000 is against his wishes and is completely unfair.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant received a Letter of Reprimand (LOR) for being arrested on or about 17 April 2011 for driving under the influence of alcohol in violation of Article 111 of the Uniform Code of Military Justice (UCMJ). The applicant acknowledged the LOR and submitted a statement in his own behalf. After considering the applicant's submission, the commander confirmed the administrative action and established an Unfavorable Information File (UIF) on the applicant.

As a result of his military misconduct, the applicant was eliminated from Specialized Undergraduate Pilot Training. On 22 April 2011, he requested to be reclassified into another career field. A reclassification panel considered the applicant's case and recommended he be discharged in lieu of reclassification and directed he reimburse the government for his participation in the AFROTC on a pro-rata basis.

The applicant was honorably discharged effective 5 May 2012, with a narrative reason for separation of "Failure to Complete a Course of Instruction."

AIR FORCE EVALUATION:

AFPC/DPSIP recommends denial. DPSIP states that in accordance with Title 10, United States Code (USC), Section 2005, recoupment is required of the pro-rata share of unearned portion of the applicant's Active Duty Service Commitment (ADSC) for his AFROTC education. The only way recoupment may be waived is if the inability to complete his ADSC is deemed beyond his control.

The applicant was accessed to active duty specifically to fill an Air Force pilot requirement. Since he was eliminated for disciplinary reasons, his inability to fulfill his ADSC in the career field for which he was brought onto active duty is considered within his control. Therefore, he is subject to recoupment of the pro-rata share of the unearned portion of his ADSC for his AFROTC education.

In April 2011, the applicant and his commander completed the Officer Initial Skills Training (IST) Elimination package which included the Officer Training Eliminee Recoupment Statement where he specifically acknowledged that he may be subject to recoupment of a portion of education assistance.

Reclassification is not a right and is accomplished at the convenience of the Air Force to meet other Air Force requirements if possible. The applicant's case was handled properly and the decision to recoup a pro-rated educational assistance is appropriate.

The complete DPSIP 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 7 August 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 timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or an 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 the applicant has not been the victim of an error or injustice. The

applicant has not established that he is the victim of error or injustice caused by the Air Force or that he was treated differently than anyone else in his situation. 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 AFBCMR Docket Number BC-2012-02736 in Executive Session on 4 April 2013, under the provisions of AFI 36-2603:

_____, Panel Chair
_____, Member
_____, Member

The following documentary evidence was considered for AFBCMR Docket Number BC-2012-02736:

- Exhibit A. DD Form 149, dated 6 Jun 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIP, dated 12 Jul 12.
- Exhibit D. Letter, SAF/MRBR, dated 7 Aug 12.

Panel Chair