

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03283

SEP 14 1998

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His narrative reason for separation be changed from marginal performer to family hardship.

APPLICANT CONTENDS THAT:

At the time of his request to be separated, he provided documentation indicating a family hardship existed due to his father's illness and was told that the documents would be taken into consideration. He is requesting this correction because he is finding it difficult to achieve a career change.

In support of his request, the applicant submits a personal statement, a congressional inquiry and additional documents associated with the issues cited in his contentions (Exhibit A).

STATEMENT OF FACTS:

Applicant's military personnel records reflect that he enlisted in the Regular Air Force on 4 June 1982 for a period of 4 years. On 1 July 1982, applicant was notified he was being recommended for discharge by his commander for marginal performance. The applicant was honorably discharged on 6 July 1982 under the provisions of AFR 39-10 (marginal performer assigned to initial training). He had completed a total of 1 month and 3 days and was serving in the grade of airman basic (E-1) at the time of discharge. He received an RE Code of 2P, which defined means "Separated involuntarily under AFR 39-10 as marginal performer."

AIR FORCE EVALUATION:

The Directorate of Personnel program Management, HQ AFPC/DPPRS, stated that the case has been reviewed for separation processing and there are no errors or irregularities causing an injustice to the applicant. The reason for discharge is appropriate and complies with directive in effect at the time of his discharge. DPPRS stated that his application for hardship discharge was reviewed by the discharge authority prior to applicant's

involuntary discharge being initiated and was disapproved. DPPRS stated that the applicant did not identify any specific errors in the discharge processing nor provide facts which warrant a change in his narrative reason for separation. DPPRS recommended applicant's request be denied (Exhibit C).

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the advisory opinion and indicated he was never aware that his discharge from the Air Force was done involuntarily. He had been of the understanding that he was being discharged because of an illness in his family and that it had affected his ability to continue in basic training. While he was not directly involved in the initiation of a prank in the dorm, it is true that he was aware of the incident and, as a result, he was recycled. He does not recall if his application came before or after he had been recycled; however, the fact that he had been sent back in training was not the basis for his request for discharge. He provided substantial documentation that his father was ill and needed his assistance to maintain the family business. While the memo indicates that there was not sufficient justification provided for the approval of his hardship discharge, the fact that his father later died as a result of this illness certainly should be considered. Other than the Chaplain and a "tech-sergeant", he does not recall seeing any other counselors. In 1988, he did attempt to have the narrative reason for separation changed, but never received a reply. A complete copy of this response is appended at Exhibit E.

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 probable error or injustice. It was noted that, at the time the applicant initially requested a hardship discharge, he submitted a statement from the family physician detailing his father's medical condition; however, his request was disapproved. After reviewing the applicant's submission concerning his family's situation during the time he was on active duty, we believe that approval of the requested relief is appropriate. It appears that subsequent to the applicant's entry on extended active duty, his father's poor health deteriorated dramatically. His mother was unable to take over the family business and his parents were at a risk of losing the family business and becoming financially ruined. Under the circumstances, it is understandable that the applicant's

preoccupation with his family's situation affected his performance. The applicant's post-service career accomplishments were noted and, in our opinion, his accomplishments do not reflect a marginal performer. In view of the foregoing, we believe it would be in the interest of justice to remove the stigma associated with his narrative reason for separation. Accordingly, we recommend that the applicant's records be corrected to show he was voluntarily discharged because of hardship with the assignment of the corresponding separation and RE codes.

THE BOARD RECOMMENDS THAT:

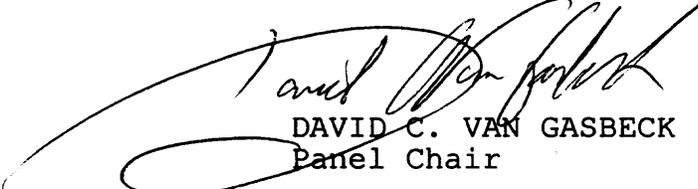
The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 6 July 1982, he was honorably discharged under the provisions of AFR 39-10, paragraph 3-25 (Hardship), with a separation code of KDB and a reenlistment eligibility (RE) code of 4A.

The following members of the Board considered this application in Executive Session on 9 June 1998, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chair
Mr. Richard A. Peterson, Member
Mr. Kenneth L. Reinertson, Member

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

- Exhibit A. DD Form 149, dated 28 Oct 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter,, HQ AFPC/DPPRS, dated 11 Dec 97.
- Exhibit D. Letter, SAF/MIBR, dated 22 Dec 97.
- Exhibit E. Letter from applicant, dated 98 Dec 97.



DAVID C. VAN GASBECK
Panel Chair