

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 24 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-01319

COUNSEL: None

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

His reenlistment eligibility (RE) code and separation program designator (SPD) code be changed so that he may reenter the Air Force.

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APPLICANT CONTENDS THAT:

He takes full responsibility for the reprimand he got for being late, but there were mitigating circumstances involved with the Article 15. His supervisor did not want him in "his" Air Force. He was young and has grown, serving honorably for seven years in the Army National Guard and obtaining a college degree. These codes have hindered his opportunities in the military long enough.

A copy of applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 19 September 1988 for a period of four years.

The reprimand applicant refers to is no longer in the available records. He received an Article 15 on 20 November 1989 for failing to go to his appointed place of duty on 30 October 1989. The Article 15 indicates he provided a written presentation, but that too is no longer a matter of record. The punishment imposed was reduction from airman to airman basic with a date of rank of 20 November 1989. Applicant did not appeal. The Article 15 was filed in his Unfavorable Information File.

On 11 January 1990, he was nonrecommended for reenlistment. The supervisor indicated on the AF Form 418 (**Selective Reenlistment/Noncommissioned Officer Status Consideration**) that the applicant required constant supervision, had a 50% error rate in one of his primary responsibilities, and had to be reprimanded on several occasions on his relaxed safety practices. The commander concurred, stating the applicant had not demonstrated

the capability to maintain Air Force standards. The AF Form 418 indicates the applicant intended to appeal the nonselection; however, if he submitted a rebuttal it is no longer a matter of record.

The applicant was honorably discharged on 15 March 1990 in the grade of airman. His RE was "2X" (*First/second/career airman considered but not selected for reenlistment under the selective reenlistment program*) and his SPD code was "K23" (*Early separation program - strength reduction*). He had 1 year, 5 months and 27 days of active service.

The applicant was given a waiver by the Washington State Army National Guard and enlisted on 15 November 1990. After 7 years of service, he was honorably discharged from the Army Guard on 14 November 1997 with a "1" RE code.

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AIR FORCE EVALUATION:

The Military Personnel Management Specialist, HQ AFPC/DPPRS, reviewed the case and stated that there are no errors or irregularities causing an injustice to the applicant. The discharge complied with directives in effect at the time. The records indicate his military service was reviewed and appropriate action was taken. Applicant has not identified any specific errors or provide facts warranting a changing in the SPD code. Denial is recommended.

A copy of the complete Air Force evaluation is at Exhibit C.

The Chief, Skills Management Branch, HQ AFPC/DPPAE, also reviewed this appeal and states that the applicant signed the AF Form 418 acknowledging his nonselection for reenlistment. There is no evidence he submitted an appeal within the required timeframe. Denial is recommended. If the Board grants relief, the Chief suggests the RE code of "3K." [*However, the "3K" RE code as defined by DPPAE ("Reserved for use by HQ AFMPC or the AFBCMR") did not come into existence until July 1991, after the applicant was discharged. At the time of applicant's discharge, "3K" meant "Second term/career airman, serving in the grade of Senior Airman, who has not yet been appointed to NCO status." Therefore, another RE code would have to be used.*]

A copy of the complete Air Force evaluation is at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the evaluations and asserts that had he stayed in the Air Force under his supervisor, who did not like him, he believed he would have left the Air Force under less than honorable conditions. He should have rebutted the RE code his biased supervisor arranged for him, but he was an impatient 19-

year-old kid and simply failed to do it. His honorable discharge contradicts the RE code he received. This is an injustice that needs to be reconciled. He asks that the advisory authors reconsider their recommendations to deny his appeal.

Applicant's complete rebuttal is at Exhibit F.

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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. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant changing the discharge codes in question. We commend the applicant for his honorable service with the Army National Guard and for obtaining a college degree. However, after careful consideration, we find neither his nonselection for reenlistment in the Air Force nor the narrative reason given for his discharge from that service in 1990 to be in error or unjust. While the applicant has obviously matured since separating from the Air Force, the fact remains that at the time he did not maintain Air Force standards. Other than his own assertions, he has provided no evidence that he was discriminated against by his supervisor or anyone else. If the applicant wishes to serve his country, we suggest he continue his career with the Army. As an aside, while an RE code in the "2" series normally precludes reenlistment in the Regular Air Force, we are aware that on very rare occasions the Air Force Reserve/Air National Guard may waive an individual's "2" RE code if they believe that person possesses critical skills and abilities they need. The applicant may wish to pursue this possibility. Otherwise, in view of the above and absent persuasive evidence to the contrary, we find no compelling basis to recommend granting the relief sought.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable 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.

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The following members of the Board considered this application in Executive Session on 3 December 1998, under the provisions of AFI 36-2603 :

Mrs. Barbara A. Westgate, Panel Chair  
Dr. Gerald B. Kauvar, Member  
Ms. Rita J. Maldonado, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 7 May 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPPRS, dated 8 Jun 98.
- Exhibit D. Letter, HQ AFPC/DPPAE, dated 29 Jun 98.
- Exhibit E. Letter, AFBCMR, dated 20 Jul 98.
- Exhibit F. Electronic Mailgram, Applicant, dated 9 Aug 98.

  
BARBARA A. WESTGATE  
Panel Chair