

IN THE MATTER OF:

DOCKET NUMBER: 98-00400



COUNSEL: NONE

HEARING DESIRED: YES

AUG 14 1998

Applicant requests that his NGB Form 22 be coded to allow him to reenlist in the U.S. Armed Forces. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Charles E. Bennett, Mr. Loren S. Perlstein, and Ms. Peggy E. Gordon considered this application on 6 August 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.

Charles E. Bennett
CHARLES E. BENNETT
Panel Chair

Exhibits :

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AF OMBR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE
AIR NATIONAL GUARD



MEMORANDUM FOR AFBCMR

06 APR 1993

FROM: ANG/MPPU
3500 Fetchet Avenue
Andrews AFB, MD 20762-5157

The attached Application for Correction of Military Records submitted by [REDACTED] a former member of the District of Columbia Air National Guard (DC ANG), is forwarded for your review and action.

The applicant states NGB Form 22 (*Record of Separation and Record of Service*) is incorrectly coded. The applicant states an agreement with the unit commander was to assure a General (Under Honorable Conditions) discharge and coded in a manner that would not prevent further service in the United States Armed Forces.

This Headquarters recommends denial. The discharge of the applicant from the District of Columbia Air National Guard was properly accomplished, and was coded in a manner that did not prevent the member from potential service in the United States Armed Forces. The applicant refers to the reenlistment eligibility code that shows "ineligible". This is a correct entry in the NGB Form 22. The member is ineligible to reenlist in the Air National Guard, however, this does not ban the member from making application with any other branch of the Armed Forces. The service concerned would make the determination as to whether the applicant is **eligible** for **enlistment**. A request of this nature would more than likely require a waiver from the gaining service.

Questions should be directed to MSgt Gowdy, ANG/MPPUA, DSN 278-7500, or E-mail: gowdyt@ang.af.mil.

FOR THE COMMANDER


NILDA E. URRUTIA, Lt Col, USAF
Chief, Utilization

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