

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2010-04432
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. His reentry (RE) code of 2C, which denotes "approved honorable involuntary separation or entry level separation," be changed.
2. His "uncharacterized" character of service be changed, so he can enlist with the Air National Guard

APPLICANT CONTENDS THAT:

1. He was "misinformed" about his situation at a young age and would like the opportunity to finish what he started.
2. He did not have asthma while in basic military training (BMT), nor does he have it at the present time.

In support of his request, the applicant provides a letter from his doctor.

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

STATEMENT OF FACTS:

On 16 September 2003, the applicant enlisted in the Regular Air Force. On 5 December 2003, the applicant was diagnosed with Asthma, which existed prior to enlistment.

On 17 December 2003, the applicant was notified of his commander's intent to recommend that he be discharged from the Air Force under the provisions of AFD 36-22, *Air Force Military Training* and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.14. for Erroneous Enlistment. The applicant acknowledged receipt of the notification of discharge, waived his right to seek counsel and to submit a statement on his own behalf.

On 19 December 2003, the case file was determined to be legally sufficient to support separation. The discharge authority recommended approval of his entry level separation. On

22 December 2003, the applicant was discharged from the Air Force with an entry level separation, with an uncharacterized character of service in the grade of airman basic. He served 3 months and 7 days of total active service.

AIR FORCE EVALUATION:

HQ AETC/SGPS recommends denial of the applicant's request to change his character of service and RE code. SGPS states the applicant confirmed he had Asthma as a child and based on his history and test results it was determined by his providers that he had a reactive airway disease, which existed prior to entering the service. Additionally, the applicant's separation was done in accordance with (IAW) established policy and administrative procedures.

The complete SGPS evaluation is at Exhibit C.

HQ AFPC/DPSOS recommends denial. DPSOS states the commander cited the chronological record of medical care, which stated the applicant was diagnosed with Asthma, which existed prior to enlistment. In addition, the form stated the applicant did see a civilian provider or had treatment or symptoms of the condition prior to entry on active duty. Finally, the condition was not aggravated by training beyond the normal progression. However, barring evidence in the applicant's enlistment documents the condition existed prior to his entrance on active duty.

Based on documentation in the applicant's master personnel records, the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority.

The complete DPSOS evaluation is at Exhibit D.

HQ AFPC/DPSOA recommends denial of his request to change his RE code. DPSOA states the applicant's RE code 2C is required per AFI 36-2606, *Reenlistments in the United States Air Force*, chapter 3, based on his involuntary discharge with an honorable character of service and the applicant has failed to demonstrate any error or injustice in reference to his RE code. In addition, DPSOA states, if the Board's decision is to provide relief, the only other option for the applicant's RE code would be "3K", which denotes "reserved for use by HQ AFPC or the AFBCMR when no other reenlistment eligibility code applies or is appropriate", which would still require a waiver from Recruiting Services.

The complete DPSOA evaluation is at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 27 May 2011, for review and comment within 30 days (Exhibit F). As of this date, this office has not received a response.

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 error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinions and recommendations of the Air Force offices of primary responsibility and adopt their rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. 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-2010-04432 in Executive Session on 12 July 2011, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2010-04432 was considered:

- Exhibit A. DD Form 149, dated 21 November 2010, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. HQ AETC/SGPS, Letter, dated 31 January 2011.
- Exhibit D. HQ AFPC/DPSOS, Letter, dated 5 April 2011.
- Exhibit E. HQ AFPC/DPSOA, Letter, dated 13 May 2011.
- Exhibit F. SAF/MRBR, Letter, dated 27 May 2011.