RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2016-01806

 COUNSEL:

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His separation program designator (SPD) code of “LGH” and reentry (RE) code of “2X” be changed to allow him to remain in the Texas Air National Guard (TANG).

APPLICANT CONTENDS THAT:

When he separated from the Regular Air Force, he believed he was authorized to continue to serve. After he enlisted in the TANG, the errors in his SPD and RE codes were discovered, and he is now being administratively separated.

The applicant’s complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

The applicant initially entered the Regular Air Force on 28 Oct 08.

On 28 Apr 15, the applicant’s commander signed an AF Form 418, *Selective Reenlistment* *Program (SRP) Consideration for Airmen in the Regular Air Force/Air Force Reserve*, not selecting the applicant for reenlistment, stating “It’s clear that (the applicant) does not possess the qualities to serve at the next level of leadership.” The reason for taking this action was the applicant’s lack of maturity and leadership potential. The applicant received four above average (4) and two average (3) enlisted performance reports (EPRs) over the previous six years; two letter of counseling (LOCs), one for misuse of the Government Travel Card and one for failure to obey a lawful order; had an Unfavorable Information File (UIF) established; and, received a letter of reprimand (LOR) for failure to obey a lawful order from a Field Grade Officer, resulting in loss of his security clearance.

On 27 Oct 15, the applicant was furnished an honorable discharge, with an SPD code of “LGH” (Non-Retention on Active Duty), an RE Code of 2X (First-term, second-term, or career airman considered but not selected for reenlistment under the selective reenlistment program), a narrative reason for separation of “non-retention of active duty,” and was credited with seven years of active service.

On 28 Oct 15, the applicant enlisted in the TANG.

The remaining relevant facts pertaining to this application are contained in the memoranda prepared by the Air Force offices of primary responsibility, which are attached at Exhibits C and D.

AIR FORCE EVALUATIONS:

AFPC/DP2SMT recommends denial of the applicant’s request to change his SPD code, indicating there is no evidence of an error or an injustice. The applicant was separated based upon his commander not recommending him for further retention in the Air Force with an RE code of 2X. The applicant appealed his commander’s decision to deny reenlistment. The applicant’s appeal was reviewed and denied on 15 Jun 15. Based upon the applicant’s denial of reenlistment, he was properly separated with an SPD code of “LGH,” which was properly reflected on his DD Form 214, *Certificate of Release or Discharge from Active Duty.* The discharge was consistent with the procedural and substantive requirements of the discharge instruction and was within the discretion of the discharge authority. There is no evidence of an error or injustice in the discharge processing.

A complete copy of the AFPC/DP2SMT evaluation is at Exhibit C.

AFPC/DP3ST recommends denial of the applicant’s request to change his RE code, indicating there is no evidence of an error or injustice. AFI 36-2606**,** *Reenlistment in the USAF,*states commanders have selective reenlistment selection or non-selection authority. The Selective Reenlistment Program (SRP) considers the members EPR ratings, unfavorable information from any substantiated source, the airman’s willingness to comply with Air Force standards and/or the airman’s ability (or lack of) to meet required training and duty performance levels. The commander was acting within his authority when he denied applicant reenlistment eligibility.

Recommend denial of the applicant’s request as the RE code 2X is correct. The applicant had to separate based on his non-selection for reenlistment and did not have any options to make him eligible for reentry after separation. Applicant does not provide any proof of an error or injustice in reference to his RE code.

A complete copy of the AFPC/DP3ST evaluation is at Exhibit D.

APPLICANT'S REVIEW AIR FORCE EVALUATIONS:

In further support of his request, the applicant submitted, through counsel, a rebuttal to the Air Force evaluations in which he takes exception to their recommendations to deny. The rebuttal consisted of a personal statement in which he explains how he came to be accused of misusing his GTC, how he lost faith in his unit’s leadership, that his supervisor was forced to prevent him from reenlisting, and provides examples of times he took a leadership role; a memorandum from the commander of his TANG unit confirming his separation has been put on hold pending the result of the BCMR decision, and describing the applicant as “engaged and willing;” and, a memorandum from the applicant to his leadership acknowledging he understands his discharge is only being suspended until the BCMR makes a determination on his application. (Exhibit F)

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 injustice. We took notice of the applicant’s complete submission, to include his rebuttal response to the advisory opinion, in judging the merits of the case; however, we agree with the opinions and recommendations of AFPC/DP2SMT and AFPC/DP3ST and adopt their rationale as the basis for our conclusion the applicant has not been the victim of an error of injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the requested relief.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and 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-2016-01806 in Executive Session on 25 Jul 17 under the provisions of AFI 36-2603:

 Panel Chair

 Member

 Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2016-01806 was considered:

 Exhibit A.  DD Form 149, dated 28 Apr 16, w/atchs.

 Exhibit B.  Applicant's Master Personnel Records.

 Exhibit C.  Memorandum, AFPC/DP2SMT, dated 7 Jul 16.

Exhibit D.  Memorandum, AFPC/DP3ST, dated 19 Oct 16.

 Exhibit E.  Letter, SAF/MRBR, dated 22 Feb 17.

 Exhibit F. Letter from Applicant, dated 17 Mar 17, w/atchs.

Pursuant to paragraph 1 of AFI 36-2603 (Title 32 Code of Federal Regulations, Part 865.1), it is certified that a quorum was present at the Board's review and deliberations, and the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.