

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01093

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His Reenlistment (RE) code of 2P¹ be changed to an RE code more in keeping with his honorable, if limited, service.

APPLICANT'S CONTENTIONS

He recently found out via the internet the RE code 2P means absent without leave (AWOL), or deserter and as he was given an honorable discharge, he fears the RE code was given as some sort of weird and unjustified punishment. While he is too old to reenlist, he still wants the RE code changed because of the shame of being called a deserter.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

On 5 May 78, the applicant initially entered the Regular Air Force.

On 27 Jul 79, the applicant was given written counseling regarding his reporting 30 minutes late for a flight.

On 31 Jul 79, the applicant was given written counseling regarding his failure to show up at the scheduled bus time for a flight.

On 24 Aug 79, the applicant was given written counseling regarding his dormitory room being left in a complete state of disarray for Strategic Air Command Inspector General Inspectors.

On 5 Sep 79, the applicant was placed on a Control Roster due to his repeated tardiness in reporting for military formations and apparent lack of pride in keeping his living quarters clean.

On 30 Oct 79, the applicant was given written counseling regarding him missing a scheduled T-1 Trainer period.

¹ AFR35-16, Vol I – USAF *Reenlistment and Retention Program*, dated 15 Feb 79, Table 6-2, Item 14: Separated under AFR 39-10 as marginal performer or to preserve good order and discipline, Basic Military Training eliminates discharge due to erroneous enlistment, concealment of civilian convictions, etc.(Exhibit B)

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On 6 Mar 80, a medical evaluation report reflected that from Oct-Dec 79, the applicant was evaluated for sleep induced while flying in the B-52. The diagnoses were no mental disease or neurological disease. It was felt the problem was motivational from boredom and possibly due to anxiety due to flying in closed spaces.

On 7 Apr 80, the applicant was placed on a control roster after being observed to be in a complete state of relaxation during several standard evaluation check rides

On 29 Jul 80, a Commander's Report was issued recommending the applicant be discharged from the service under the provisions of AFR 39-10, *Separation upon Expiration of Term of Service*, paragraph 3-81, for the following reasons:

- a. APR duty performance closing out 6 Apr 80, was characterized by repeated tardiness, substandard maintenance of personal living quarters, and a tendency to sleep while airborne.
- b. On 26 Feb 80, he was found in a complete state of total relaxation jeopardizing crew safety in accordance to SACR 55-11 during an inflight evaluation.
- c. On 24 Oct 79, he was observed in a complete state of relaxation during the on watch portion of the EWO Profile during an inflight evaluation.
- d. On 15 Oct 79, he was observed in a complete state of relaxation after calling on watch in the EWO Profile Procedures of an inflight evaluation.
- e. On or about 20 Aug 79, at Griffiss AFB, NY, fail to show up for duty at the scheduled time.

The commander recommended the applicant not be retained in the service and urged his immediate separation as a marginal performer. According to documentation furnished by the applicant's previous commander, he had established a pattern in failing to adjust to the demands of military life.

On 29 Jul 80, the applicant's commander notified him he was initiating action to discharge him from the Air Force with an honorable discharge. That same afternoon, the applicant acknowledged receipt of the notification by indicating he did not request retention in the Air Force.

On 8 Aug 80, the discharge authority directed the applicant be discharged under the provisions of AFR 39-10, paragraph 3-81, and be furnished an honorable discharge.

On 13 Aug 80, the applicant was honorably discharged, with a narrative reason for separation of marginal performer assigned to organizational unit, RE Code 2P, having served two years, three months, and eight days of active service.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

AIR FORCE EVALUATION

AFPC/DP2SSM (Reenlistments) recommends denying the application. There is no evidence of an error or injustice regarding the applicant's RE code 2P. He was honorably discharged on 13 Aug 80 under AFR 39-10 with a narrative reason for separation of "Marginal Performer

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Assigned to Organization Unit,” and with RE code 2P per AFR 35-16, Vol I – *USAF Reenlistment and Retention Program*, dated 15 Feb 79, Table 6-2, Item 14. They note the RE code 3K (Reserved for use by HQ AFPC or the AFBCMR when no other RE code applies or is appropriate), which did not exist in Aug 80, would be appropriate if the Board determines relief is warranted.

The complete advisory opinion is at Exhibit C.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 30 Aug 21 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2SSM and finds a preponderance of the evidence does not substantiate the applicant’s contentions. Specifically, the applicant’s DD Form 214 in question, reflects an honorable discharge, with a narrative reason for separation of Marginal Performer Assigned to Organization Unit, should mitigate any AWOL or deserter accusations. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant’s records.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-01093 in Executive Session on 25 May 22:

- Work-Product, Panel Chair
- Work-Product, Panel Member
- Work-Product, Panel Member

All members voted against correcting the record. The panel considered the following:

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Exhibit A: Application, DD Form 149, w/atchs, dated 4 Jan 21.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DP2SSM, dated 27 Aug 21.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 30 Aug 21.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings pertaining to Docket Number BC-2021-01093, as required by AFI 36-2603, paragraph 4.11.9.

3/14/2023

X **Work-Prod...**

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Board Operations Manager, AFBCMR

Signed by: USAF

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