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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-02264

Work-Product

COUNSEL:

Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUESTS

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect the following:

1. Block 24, *Character of Service* to reflect "honorable" versus "uncharacterized."
2. Block 27, Reentry (RE) Code to reflect 3K or 2C versus 2G.
3. Block 28, *Narrative Reason for Separation* reflect "Secretarial Authority" versus "Fraudulent Entry (Drug Abuse)."

APPLICANT'S CONTENTIONS

His narrative reason for separation is a legal error in that he did not make a deliberate, material misrepresentation, omission, or concealment to procure a fraudulent enlistment. Also, the RE code is legally incorrect in that he was not participating in or failed the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program and should not have received a 2G RE code. Finally, the discharge should be upgraded to honorable based upon consideration of his overall record and capabilities to serve. He has demonstrated both before and after his separation that he has the motivation, drive, and character to be a very valuable member of the United States Air Force.

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 24 Mar 20, DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, indicates the applicant enlisted in the Air Force Reserve for four years under the Delayed Entry/Enlistment Program (DEP). He was discharged from the DEP and enlisted in the Regular Air Force 2 Jun 20 for a period of four years.

On 31 Jul 20, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*. The specific reason for the action was Fraudulent Enlistment.

On 3 Aug 20, the Assistant Staff Judge Advocate found the discharge action legally sufficient.

On 5 Aug 20, the discharge authority directed the applicant be discharged for Fraudulent Enlistment, with the type of discharge being entry level separation (ELS). On this same date, the applicant's DD Form 214, indicates he received an uncharacterized character of service, narrative

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reason for separation of “Fraudulent Entry (Drug Abuse),” separation code of JDT, and RE Code of 2G. He was credited with two months and nine days of total prior inactive service.

On 18 Dec 20, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to his discharge.

On 30 Mar 21, the applicant appeared and testified before the AFDRB, with counsel.

On 2 Apr 21, the AFDRB found insufficient evidence of an inequity or impropriety that would warrant a change to the applicant’s discharge. Therefore, the discharge received by the applicant was deemed to be appropriate and his request was not approved.

For more information, see the excerpt of the applicant’s record at Exhibit B.

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the applicant’s request to change his uncharacterized character of service to honorable. The applicant was discharged with less than 180 days of active service. Airmen are in entry level status during the first 180 days of continuous active military service. The Department of Defense (DoD) determined if a member served less than 180 days continuous active service, it would be unfair to the member and the service to characterize their limited service. Based on review of the applicant's request, there is no error or injustice with the discharge processing.

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, through counsel on 7 Oct 22 for comment (Exhibit D) and counsel replied on 31 Oct 22. In the response, the applicant, through counsel contends the advisory failed to comment on or address the other two requests, to have the reason for separation and RE code changed.

The applicant’s complete response is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION

AFPC/DP2SSM recommends denying the applicant’s request to change the RE code to 3K-- (Reserved for use by HQ AFPC or the AFBCMR when no other RE code applies or is appropriate). However, there is an error in reference to the applicant’s RE code. He received an erroneous RE code on his DD Form 214 of 2G--(Participating in or failed the Alcohol and Drug Abuse Prevention and Treatment [ADAPT] program for drugs or has failed to complete the ADAPT program). The correct RE code is 2C--(Involuntarily separated with an honorable discharge; or entry level separation without characterization of service), based on his ELS with an uncharacterized character of service.

The complete advisory opinion is at Exhibit F.

ADDITIONAL AIR FORCE EVALUATION

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AFPC/JA recommends granting the applicant's request to change his RE code to 2C; however, deny the applicant's requests to change the reason of discharge to Secretarial Authority and deny the applicant's request to upgrade the discharge to honorable. RE code 2G is not applicable to his case and is reserved for those who have failed out of the ADAPT program. In accordance with AFI 36-2606, *Reenlistment and Extension of Enlistment in the United States Air Force*, Table 5.3, Item 3, RE code 2C applies to ELS separations. The applicant requests to change the reason of discharge to Secretarial Authority based on the assertion he relied heavily on instructions from another form which limited drug use disclosures to seven years or less and his "mistake" should be viewed as credible because he later revealed the truth regarding his drug abuse to security clearance investigators. The applicant does not represent the average 18-year-old with nothing more than a high-school education and very little life experience. To the contrary, the applicant is highly educated having graduated from college, Cum Laude, with Departmental Honors and going on to obtain a Master of Science degree with a 3.87 GPA. AF Form 2030, *USAF Drug and Alcohol Abuse Certificate*, is a two-page document, whose certification section only requires answers to five "yes" or "no" questions about drug use and treatment. Four of the five questions begin with the words "Have you ever..." which calls into question the applicant's mistaken belief that there was a seven-year limitation on the required disclosure. Ultimately, the commander determined, by a preponderance of the evidence, that the omission was not mistaken, but was intentional and resulted in the applicant fraudulently enlisting in the Air Force. Such a determination was within the bounds of the commander's authority and as such, the applicant is not entitled to relief. Finally, the applicant requests to change the discharge characterization to honorable as a matter of equity based on his overall record and capabilities to serve. The applicant had only been on active duty for approximately three weeks. While the applicant may have the potential to serve well in the future, the applicable DoDI 1332.14, *Enlisted Administrative Separations*, dictates that service characterizations reflect service already rendered rather than future potential. As such, this member's service characterization should remain ELS or "uncharacterized" and his request to upgrade his characterization to honorable should be denied.

The complete advisory opinion is at Exhibit G.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATIONS

The Board sent a copy of the AFPC/DP2SSM and AFPC/JA advisory opinions to counsel on 21 Feb 23 for comment (Exhibit H) but has received no response.

FINDINGS AND CONCLUSION

1. The application was 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2SSM and AF/JA and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the applicant's correct RE code is 2C--(Involuntarily separated with an honorable discharge; or entry level separation without characterization of service), based on his ELS with an uncharacterized character of service. RE code 2G is not applicable to his case and is reserved for those who have failed out of the ADAPT program. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. Therefore, the Board recommends correcting the applicant's records as indicated below.

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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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 5 Aug 20 he was separated with a reentry (RE) code of 2C.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

CERTIFICATION

The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2021-02264 in Executive Session on 21 Jun 23:


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


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

- Exhibit A: Application, DD Form 149, w/atchs, dated 23 Jun 21.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 23 May 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 7 Oct 20.
- Exhibit E: Applicant's Response, dated 31 Oct 22.
- Exhibit F: Advisory Opinion, AFPC/DP2SSM, dated 20 Jan 23.
- Exhibit G: Advisory Opinion, AFPC/JA, dated 9 Feb 23.
- Exhibit H: Notification of Advisory, SAF/MRBC to Applicant, dated 21 Feb 23.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

12/8/2023

 *Work-Product*

Board Operations Manager, AFBCMR
Signed by:  *Work-Product*