

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-00193

XXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

His Reenlistment Eligibility (RE) code 4E (*4 year enlistee and grade is A1C [with less than 12 months' Time in Grade] or below and Airman completed 31 or more months, if a first term airman (FTA); or 6 year enlistee and grade is below SrA and has completed 55 or more months, if a FTA; or a second term/career Airman and grade is A1C or below and has less than 16 years of TAFMS*) be changed to allow reentry in the military.

### APPLICANT'S CONTENTIONS

He received an RE Code of 4E due to an off-base motorcycle accident he was involved in – in June 2009, four months prior to his normal separation date (October 2009). He was given an Article 15 for riding without the proper personal protection equipment, and for not taking the Base Motorcycle Rider's Safety Course. As a result, he was reduced in rank to airman first class. He understands that RE codes are not adjusted to allow for reenlistment. However, he has already received a waiver and is currently serving on Title 10 orders. The RE Code is hindering his career goals to enter Special Tactics and has prevented his efforts of commissioning.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a currently serving Air National Guard senior airman (E-4).

During the time period in question, on 26 October 2005, the applicant entered active duty in the grade of airman basic for a period of four years.

The applicant received nonjudicial punishment under Article 15 of the Uniform Code of Military Justice (UCMJ), dated 13 July 2009, for failing to obey a lawful general regulation, to wit: chapter 3, section 3.4.2.4, Air Force Instruction 911-207, dated 22 May 2007, by wrongfully operating a motorcycle without wearing the proper personal protection equipment on or about 21 June 2009, in violation of the UCMJ, Article 92. Further, he did on or about 21 June 2009, fail to obey a lawful general regulation, by wrongfully operating a motorcycle without attending and completing an approved motorcycle rider education course. His punishment consisted of a

reduction to the grade of airman first class, with a new date of rank of 16 July 2009; 45 days extra duty; and a reprimand.

On 24 October 2009, according to the DD Form 214, the applicant was honorably discharged in the grade of airman first class for completion of required active service. He served 4 years total active duty and was credited with 7 months and 26 days of foreign service. He received an RE code of 4E.

The Retrieval Applications Web (RAW) reflects the applicant's Date Initial Entry Reserve Forces reflects 25 October 2009.

According to Order Number **Work-Product**, dated 11 June 2020, the applicant was placed on active duty orders in accordance with Title 10 U.S.C. 12301(d)/12302/12304 from 1 July 2020 to 30 June 2023.

On 10 June 2021, The Air Force Discharge Review Boards Agency (AFDRB) considered the applicant's appeal to upgrade his reenlistment eligibility code of 4E. The Board found insufficient evidence of an inequity or impropriety that would warrant a change to the applicant's discharge.

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 recommends denying the application. The applicant's correct RE code at the time of discharge was 4E, based on the applicant being a 4 year enlistee in the grade of A1C with over 31 months of service. There is no evidence of an error or injustice in reference to applicant's RE code based on the documentation provided by the applicant and analysis of the facts.

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 28 February 2022 for comment (Exhibit D), 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 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. Therefore, the Board 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 evidence did not demonstrate material error or injustice, 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-2022-00193 in Executive Session on 19 April 2022:

, Panel Chair  
, Panel Member  
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 25 January 2022.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory Opinion, AFPC/DP2SSM, dated 25 February 2022.  
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 February 2022.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

**X**

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Board Operations Manager, AFBCMR