

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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-00319

XXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

**APPLICANT'S REQUEST**

His separation be changed to a retirement.

**APPLICANT'S CONTENTIONS**

He proudly served in the United States Air Force for 19 years and received numerous awards for his conduct and duty performance. Through hard work and dedication, he achieved the rank of technical sergeant (E-6). He still holds the core values true as he is currently working as a Supervisory Recreation Specialist for the Army. Despite his poor judgement in which he truly has learned from, he received an Honorable discharge. His discharge is very much acceptable, but he was 1 year away from becoming an extremely proud retired Air Force Veteran. That status is held in high esteem and carries a degree of respect and dignity and is in accordance with the way he carried himself in uniform and in his personal life.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force technical sergeant.

On 17 Nov 11, the applicant's commander initiated involuntary administrative discharge actions against the applicant for failure in the Alcohol and Drug Abuse Prevention Treatment Program. She recommended he be separated with an honorable service characterization without Probation and Rehabilitation (P&R). Although not a basis for discharge, she also considered the nonjudicial punishment and three letters of reprimand the applicant received.

On 13 Jul 12, the Numbered Air Force (NAF) commander concurred with the Wing commander that the applicant be separated from the Air Force with an honorable service characterization. She also concurred with the commander's recommendation to deny the applicant opportunity for P&R.

On 24 Jul 12, the Major Command (MAJCOM) Staff Judge Advocate (SJA) found the discharge action was found legally sufficient. The SJA informed the discharge authority he may recommend to the Air Force Personnel Center (AFPC) the applicant be: (1) offered probation for the time he needs to reach minimum retirement eligibility; (2) offered P&R for a specific time; or (3) discharged with an honorable service characterization without P&R, consistent with the recommendations of the Wing and NAF commanders. The SJA recommended option 3.

**CUI//SP-MIL/SP-PRVCY**

On 4 Sep 12, the MAJCOM Director, Manpower, Personnel and Services, recommended denying the applicant's request for lengthy service consideration and that he be discharged with an honorable service characterization without P&R.

On 23 Apr 13, the Secretary of the Air Force directed the approved administrative discharge be executed and denied lengthy service probation.

On 7 May 13, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was honorably discharged and was credited with 19 years, 1 month and 2 days of active service. His narrative reason is "Alcohol Rehabilitation Failure."

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

**AIR FORCE EVALUATION**

AFPC/DP2SSR recommends denying the application. Based on review of the applicant's request and the master of personnel record, there is no error or injustice with the discharge processing. On 7 May 13, the applicant was discharged under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, (Alcohol Rehabilitation Failure), with an honorable service characterization. The commander provided the discharge authority ample evidence to support discharge. Furthermore, since the applicant had over 16 years of total active service, he received due process for lengthy service and a of whether he could remain on active duty in a probationary status until he becomes retirement eligible at 20 years of total active service. The applicant had 19 years in service, but the Air Force Personnel Board (AFPB) determined the applicant had not taken advantage of the numerous opportunities to overcome his alcohol problems and determined the evidence presented was not sufficient to conclude the applicant could be rehabilitated. The AFPB determined, based on the evidence provided, the applicant would likely not be able to complete the rehabilitation period before attaining retirement eligibility without another alcohol related incident. It was determined discharge was appropriate.

The complete advisory opinion is at Exhibit C.

SAF/MRBP recommends denying the application. There were no errors raised by the applicant, nor any evidence provided to undermine the validity of the decision of the Secretary's delegee to deny him LSP. The applicant met an Administrative Discharge Board (ADB), and the ADB found a basis for discharge and recommended the applicant be separated with an honorable service characterization but recommended the discharge authority offer the applicant retention under P&R. Unfortunately, after the ADB recommended P&R, the applicant again appeared drunk on duty. The AFPB considered the applicant's request for retention under the lengthy service probation (LSP) program, as well as the discharge authority's recommendation that LSP be denied. The AFPB determined the applicant had not taken advantage of the numerous opportunities to overcome his alcohol problems and determined that the evidence presented was not sufficient to conclude the applicant could be rehabilitated. More importantly, the AFPB determined, based on the evidence provided, the applicant would likely not be able to complete the rehabilitation period before attaining retirement eligibility without another alcohol related incident, as evidenced by the alcohol related incident after he was recommended for retention under P&R. Accordingly, the AFPB recommended to the Secretary's delegee (SAF/MRB) that LSP be denied and the approved administrative discharge be executed. After a thorough consideration of the AFPB's recommendation, the Secretary's delegee denied the applicant's request for LSP and directed the approved administrative discharge be executed. Although on the precipice of retirement, it was reasonably foreseeable the applicant would have been involved

in additional alcohol-related incidents before reaching 20 years. Moreover, the applicant presented no evidence to indicate the LSP decision was arbitrary, capricious, or somehow unfair.

The complete advisory opinion is at Exhibit D.

### **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent copies of the advisory opinions to the applicant on 1 Jun 22 for comment (Exhibit E) 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/DP2SSR and SAF/MRBP and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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)*. 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.

### **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-2022-00319 in Executive Session on 15 Dec 22:

- , Panel Chair
- , Panel Member
- , Panel Member

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

- Exhibit A: Application, DD Form 149, no atch, dated 19 Jan 22
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 14 Mar 22.
- Exhibit D: Advisory Opinion, SAF/MRBP, dated 25 May 22
- Exhibit E: Notification of Advisories, SAF/MRBC to Applicant, dated 1 Jun 22.

**CUI//SP-MIL/SP-PRVCY**

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**

---

Board Operations Manager, AFBCMR

**AFBCMR Docket Number BC-2022-00319**

**CUI//SP-MIL/SP-PRVCY**