



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00377

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His DD Form 785, *Record of Disenrollment from Officer Candidate – Type Training*, Section IV, *Evaluation to be Considered in the Future for Determining Acceptability for Other Officer Training*, be marked as 1 (Highly Recommended) or 2 (Recommended as an Average Candidate).
2. His debt for recoupment of educational costs be waived.

APPLICANT'S CONTENTIONS

He will be pursuing his dream of providing health care in the United States Air Force by applying for a Uniformed Services University of Health Sciences (USUHS) scholarship and needs his DD Form 785 corrected to maximize his chances at this opportunity. He was subjected to numerous errors in the handling of his case. The original investigating officer (IO) contacted him and coaxed him into waiving his rights to make a personal appearance. The IO also demanded he submit any written materials to him but never contacted him to offer an opportunity for a personal appearance as required by Air Force Reserve Officer Training Corp (AFROTC) Disenrollment Guide, paragraph 3.2.2. Additionally, the Report of Investigation (ROI) failed to provide the detail of his performance so his commander could make an informed decision, and the IO illegally interviewed the Military Advisor with regards to his personal appearance rights in an attempt to contradict his testimony. Furthermore, when his disenrollment was reopened, his leadership did not comply with paragraph 3.7 of the Disenrollment Guide, and ignored his request for evidence, thereby denying his due process rights.

A rush to judgement was made relying solely on personnel at field training who had but a glimpse of his true potential. He is a highly intelligent, soft-spoken individual. His cadre at the university was satisfied with his progress; however, a different group of evaluators during field training came to a sudden and unsupported conclusion he did not have what it took to be an Air Force leader.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former AFROTC cadet.

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Controlled by: SAF/MRB
CUI Categories: Work-Product
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

On 21 Nov 19, AF Form 707, *Officer Performance Report (Lt thru Col)*, provided by the applicant, for the period of 28 Aug 19 thru 22 Nov 19, indicates he received an overall “Does Not Meet Standards” rating. The overall rater assessment comments state the applicant needs to be more confident and step outside his comfort zone; however, displays positive attitude. The applicant has another AF Form 707 for approximately the same period of performance, 26 Aug 19 thru 6 Dec 19, dated 14 Oct 19, which indicates an overall “Meets Standards” rating with similar comments. No explanation is given as to why the applicant has two different ratings for approximately the same period.

On 15 Nov 20, AF Form 707, provided by the applicant, for the period of 24 Aug 20 thru 18 Nov 20, indicates he received an overall “Meets Standards” rating. The overall rater assessment comments state the applicant needs to be more vocal, stay focused and locked in at training, and be more confident. The applicant has another AF Form 707 for approximately the same period of performance, 24 Aug 20 thru 5 Sep 20, dated 1 Oct 20, which indicates an overall “Does Not Meet Standards” rating with the same comments. No explanation is given as to why the applicant has two different ratings for approximately the same period.

Not Dated, *AFROTC Field Training Leadership Evaluation*, provided by the applicant, shows several areas of deficiencies.

Dated 19 Jul 21, Disenrollment ROI, provided by the applicant, indicates an investigation was conducted into the circumstances surrounding disenrollment action for being removed from Field Training due to not meeting standards. The report states the applicant’s rights were reviewed with the IO via video teleconference on 8 Jul 21, and he had no questions concerning his rights and signed Part II of the Form 10. He provided written evidence for consideration. The report goes on to state the applicant’s Field Training Removal package contained several reports/forms which indicated the applicant was identified as being in the bottom 5 percent of cadets at Field Training and he was removed from training with prejudice due to low performance and leadership ability.

On 8 Jul 21, AFROTC Form 10, *Disenrollment Action Worksheet for AFROTC Cadets*, provided by the applicant, indicates his commander initiated disenrollment action because he was removed from Field Training for failing to maintain military retention standards. An IO and a Military Advisor was appointed. It is noted, upon receipt of Part II, Receipt of Notification, the IO will, upon request of the cadet, allow the cadet to make a personal presentation.

Dated 31 Aug 21, DD Form 785 indicates the applicant was disenrolled, effective 18 Oct 21, for failure to maintain military retention standards when he failed to complete Field Training satisfactory due to performance. In Section IV, *Evaluation to be Considered in the Future for Determining Acceptability for Other Officer Training*, it is noted he should not be considered without weighing the “Needs of the Service” against the reasons for this disenrollment. It is further noted in the remarks section he had a grade point average of 3.646.

Dated 12 Oct 22, Reserve Order Work-Product indicates the applicant was honorably discharged from the Air Force Reserve (AFR), effective 18 Oct 21.

Dated 13 Dec 22, a response from the AFROTC Commander, provided by the applicant, states the appeal of his disenrollment was denied. It is noted the applicant was removed from Field Training with prejudice and he was disenrolled for his performance in the AFROTC program and removal from Field Training due to his inability to adjust to the military environment. It is further stated termination of scholarship recoupment for disenrolled cadets will only be considered if they have completed at least two years of continuous enlisted active-duty service or who receive an active-duty commission to which the applicant has not provided evidence of such.

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

APPLICABLE AUTHORITY/GUIDANCE

Per Air Force Reserve Officer Training Corps Instruction (AFROTCI) 36-2011, paragraph 16.11, disenrolled cadets may request termination of debt recoupment via AFROTC/RRFD. Applicants requesting removal of AFROTC recoupment should submit the following items: a letter from the member stating request, a copy of most recent leave and earnings statement (LES), and a Statement of Service (proof of service) letter with active-duty service dates or a DD Form 214. These items should be submitted to the ROTC address below. Further information and guidance can be obtained by contacting HQ AFROTC/RR or located on the DFAS website at <https://www.dfas.mil/debtandclaims/militarydebts/educationdebt.html>.

HQ AFROTC/RRFD
60 West Maxwell Blvd
Maxwell AFB, AL, 36112-6501

Per paragraph 16.8, a commission or enlistment in the Guard or Reserve does not apply unless 2-years of continuous active-duty service is completed. If the member is only performing their monthly drill or yearly annual tour days this would not apply. However, the Guard or Reserve member could meet this requirement if they are ever placed on active-duty orders that are continuous for 2-years.

AIR FORCE EVALUATION

AFROTC/CC recommends denying the application finding no evidence of an error or injustice regarding his disenrollment. The applicant claims the original IO approached and contacted him and coaxed him into waiving his right to make a personal appearance and demanded he submit any written materials to him but never contacted him to offer an opportunity for a personal appearance. Additionally, the IO attempted to contradict a cadet's testimony or legal argument by interviewing the Military Advisor. However, the applicant was offered a personal appearance via video teleconference (VTC) during his initial investigation, due to logistical issues, he denied the initial offer. After receiving the rebuttal letter from the applicant's attorney, the IO offered and arranged a personal appearance on 12 Aug 21 and there is no evidence the IO interviewed the Military Advisor in an attempt to contradict a cadet's testimony or legal argument.

The applicant claims the ROI failed to include a signed memorandum from him expressing his desire regarding recoupment or a call to extended active duty (EAD). Even though this memorandum was not provided in the original ROI, his military advisor did provide the memo template to the applicant on 28 Jul 21 and the applicant emailed a completed memo with his preference for repayment, not EAD, on 29 Jul 21. The applicant further claims the ROI failed to adequately and comprehensively detail his performance in Detachment 157 so the commander could make an informed recommendation, and his leadership did not comply with the Disenrollment Guide when his investigation was reopened. There is no evidence his leadership did not comply with the Disenrollment Guide, paragraph 3.7. Furthermore, the applicant failed to meet military retention standards when he was removed from Field Training. The original ROI provided all of his Field Training Records. After receiving the rebuttal letter from the applicant's attorney, his performance records from his detachment were provided in the ROI supplemental memorandum, although these records were not pertinent to his disenrollment initiation.

Lastly, the applicant claims the IO ignored counsel's request for evidence and thereby denied the applicant's due process right to prepare for the disenrollment hearing. However, per the AFROTC Disenrollment Guide, paragraph 3.4.1. the IO provided the ROI to the applicant. There is no hearing in the disenrollment investigation, there is a personal appearance. After the initial investigation and rebuttal, which resulted in a supplemental ROI, the applicant was disenrolled from AFROTC on 18 Oct 21 and he submitted his one chance to appeal the recoupment of funds and disenrollment marking in 2022, but his appeal was denied by the AFROTC Commander 13 Dec 22.

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 9 Oct 24 for comment (Exhibit D), and the applicant replied on 21 Oct 24. In his response, the applicant submitted his Navy Reserve Oath of Office dated 21 May 24.

The applicant's complete response is at Exhibit E.

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 the AFROTC/CC and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds no error with the conduct of the IO or the commander's authority regarding the disenrollment action. The applicant's performance was unsatisfactory during his Field Training which was well documented and ultimately led to his disenrollment and he was

given ample opportunities to provide evidence to support his case. Furthermore, the Board acknowledges the applicant's Oath of Office; however, the applicant is not considered for a debt waiver until he has completed 2-years of continuous active-duty service. If this is accomplished, the applicant is directed to file an appeal for a waiver of debt with the AFROTC Office. 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 Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-00377 in Executive Session on 18 Dec 24:

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, 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 26 Dec 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFROTC/CC, w/atchs, dated 4 Oct 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 9 Oct 24.
- Exhibit E: Applicant's Response, w/atch, dated 21 Oct 24.

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.

12/31/2024

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Board Operations Manager, AFBCMR
Signed by: USAF

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