



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01470

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The narrative reason for separation on her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to "Hardship."

APPLICANT'S CONTENTIONS

She was discharged from the Air Force because she went to the Judge Advocate General (JAG) requesting a "hardship" release. She was not discharged for anything related to misconduct. The JAG advised her she would be discharged under honorable conditions due to her mother's illness/hospitalization and the need for someone to care for her autistic brother. She provided documents to the JAG, and they approved her hardship.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former airman (E-2).

On 28 Jan 98, according to DD Form 214, the applicant entered the Regular Air Force.

On 19 Oct 99, the applicant's commander recommended she be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.50.2., for misconduct, specifically, conduct prejudicial to good order and discipline. The specific reason for the action was receipt of the following:

Letter of Counseling (LOC) for missed appointment, dated 22 Jul 98.

LOC for being late to work two times, dated 22 Jul 98.

Letter of Reprimand (LOR) for being late to work, dated 29 Jul 98.

LOR for failure to report to duty, dated 25 Nov 98.

Article 15/Unfavorable Information File (UIF) for absent from place of duty, dated 26 Apr 99.

LOR/UIF for failure to pay, dated 8 Sep 99.

LOR/UIF for failure to go, dated 9 Sep 99.

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

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In an undated letter, the Deputy Staff Judge Advocate found the discharge action legally sufficient and recommended the applicant be discharged with a general service characterization. Probation and rehabilitation was not appropriate because the applicant had numerous opportunities to correct her behavior and had not done so.

On 27 Oct 99, the discharge authority directed the applicant be discharged with a general service characterization. Probation and rehabilitation was considered, but not offered.

On 4 Nov 99, the applicant received a general (under honorable conditions) discharge. Her narrative reason for separation is "Misconduct" and she was credited with 1 year, 9 months, and 7 days of total active service.

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

APPLICABLE AUTHORITY/GUIDANCE

The National Personnel Records Center (NPRC) is one of the National Archives and Records Administration's (NARA) largest operations. They are the central repository of personnel-related records for both the military and civil services of the United States Government. Additional information on Military Service Record requests can be found at the following link: <https://www.archives.gov/veterans/military-service-records>.

NPRC allows most veterans and their next of kin to obtain free copies of their DD Form 214, *Certificate of Release or Discharge from Active Duty*, Official Military Personnel File (OMPF), Replacement Medals, and Medical and Health Records by using one of the following methods:

Start a Request Online: <https://vetrecs.archives.gov/VeteranRequest/home.html>

Mail/fax a copy of Standard form 180, *Request for Military Service Records*, to:

National Personnel Records Center
1 Archives Drive
St. Louis, MO 63138
Telephone: 314-801-0800
Fax: 314-801-9195

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the application. Upon review of the master of personnel record, there is ample documentation to support discharge and the character of service. The commander provided evidence of multiple infractions committed by the applicant as the basis to the Base Discharge Authority (BDA). The BDA determined that the negative aspects of the applicant's behavior outweighed any positive aspects of the applicant's brief military career. Furthermore, the applicant received an involuntary discharge. An application for hardship is a voluntary application submitted to the Military Personnel Flight and not to the JAG, who assists commanders with processing involuntary discharges. They saw no evidence in the record the applicant submitted a voluntary separation application for hardship through the proper channels prior to her involuntary discharge.

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 11 Jul 22, for comment (Exhibit D), and the applicant replied on 11 Jul 22. In her response, she contended the statement in the advisory “The commander provided evidence of multiple infractions committed by the applicant as the basis to the [BDA]” is false and she requested a copy of “what you claim to have.”

The applicant’s complete response is at Exhibit E.

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 finds a preponderance of the evidence does not substantiate the applicant’s contentions. The Board notes the applicant requested a copy of documents used to support her discharge. However, the Board is not the custodian for military personnel records. Should the applicant desire information from her military personnel records, she may submit a records request to the National Personnel Records Center at the following link: <https://www.archives.gov/veterans/military-service-records>. 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 Department of the Air Force Instruction (DAFI) 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2022-01470 in Executive Session on 16 Mar 23:

<i>Work-Product</i>	Panel Chair
<i>Work-Product</i>	Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, dated 26 May 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 22 Jun 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 11 Jul 22.
- Exhibit E: Applicant’s Response, dated 11 Jul 22.

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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.

5/2/2023

Work-Product

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