

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01882

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His official military records be corrected to authorize a payment under the College Loan Repayment Program.

APPLICANT'S CONTENTIONS

Upon his first enlistment, he completed an AF Form 3008, *Supplement to Enlistment Agreement – United States Air Force*, detailing his participation in the College Loan Repayment Program. He successfully completed his Air Force Specialty Code (AFSC) training, thus meeting and maintaining the prescribed prerequisites. Further, he obtained an honorable discharge after serving over four years and then reenlisting. He had in excess of \$20,000 in loans at the time of his contract being signed, but never received any payment, nor notification after AFSC completion on how to begin these payments.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a dishonorably discharged Air Force airman basic (E-1).

On 28 Aug 08, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 3 Feb 09, according to AF Form 3008, the applicant acknowledged the terms of the College Loan Repayment Program (CLRP).

On 4 May 18, the applicant was furnished a dishonorable discharge, and credited with six years, nine months, seven days active service.

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

AIR FORCE EVALUATION

AFPC/DP1SSB recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice on the part of the Air Force.

The Enlisted College Loan Repayment Program (ECLRP) was an Air Force Recruiting Service enlistment incentive and only valid during the applicant's initial enlistment. A recruiter briefs the service member on the program and what to do at their first duty station. At the end of the briefing, the service member initials and signs the AF Form 3008 acknowledging receipt and

understanding of the briefing content. The applicant was required to submit documents (AF Form 3008, federal promissory notes, etc.) to the ECLRP office during his first enlistment. If a member reenlists or separates prior to submitting the required documentation, they are no longer eligible to participate in the ECLRP.

The ECLRP was annexed to the applicant's contract at the Military Entrance Processing Station. The applicant enlisted in the Air Force on 3 Feb 09 (sic) and separated on 4 May 18. He did not provide the ECLRP office the required documents prior to his separation and became ineligible for the ECLRP on the date of separation. Finally, the Air Force discontinued the ECLRP effective 1 Oct 14.

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 6 Sep 22 for comment (Exhibit D) 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/DP1SSB 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)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. 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-2022-01882 in Executive Session on 30 Nov 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, dated 11 Jun 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP1SSB, dated 25 Aug 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Sep 22.

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