



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01947

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His High Year Tenure (HYT) be extended to allow him to continue serving on active duty.

APPLICANT'S CONTENTIONS

On 24 Sep 20, the applicant received an Article 15 that resulted in a reduction in rank from staff sergeant (E-5) to senior airman (E-4). As a result of the reduction in grade, the applicant was required to test for promotion to E-5. However, if not selected for promotion then he would reach the ten (10) year HYT, and be required to separate from active service. The applicant does not deny the validity of the nonjudicial punishment (NJP); however, he believes that his commander did not consider what a demotion would mean for his military career. The applicant believes that his efforts to improve his work center, his service as the squadron Diversity & Inclusion Team Lead, his service as a member of the Base Honor Guard, and subsequent deployments are evidence that he deserved to be retained. Furthermore, in support of his appeal, the applicant submitted ten character statements that were submitted on his behalf to his command.

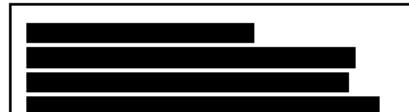
The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4).

On 24 Sep 20, according to AF Form 3070A, *Record of Nonjudicial Punishment Proceedings (AB thru SSgt)*, provided by the applicant, he was notified of his commander's intent to impose NJP on him pursuant to Article 15, for violation of Article 92, *Failure to obey order or regulation*, and Article 134, *General Article*, Uniform Code of Military Justice (UCMJ). The specifications included: 1) On or about 24 Sept 18 and on or about 7 Jun 20, he was derelict in the performance of his duties in that he negligently failed to adhere to Air Force Instruction 1-1, paragraph 2.15.3, when he posted sexually explicit and inappropriate pictures of himself while in uniform; 2) On or about 24 Sept 18 and on or about 30 Aug 20, committed indecent conduct by posting on a public Twitter account multiple photographs of his penis and of him engaging in sexual intercourse.

On 29 Sep 20, the applicant waived his right to court-marital, but submitted a written response.



On 6 Oct 20, the applicant's commander finalized his decision and found that the applicant had committed one or more of the offenses alleged. For these violations the commander imposed the punishment of a reprimand, 45 days of extra duty with a portion of the extra duty in excess of 30 days suspended through 5 Apr 21, and a reduction to the grade of senior airman (E-4) with new date of rank (DOR) of 6 Oct 20.

On 14 Oct 20, the applicant submitted an appeal to his commander and the appellate authority. In the appeal, the applicant requests that his demotion to senior airman be changed to a suspended demotion and indicated that the demotion could cause him to reach his High Year of Tenure and prevent him from continuing his Air Force career.

On 10 Nov 20, the appellate authority considered all matters presented and denied his appeal.

On 7 Aug 22, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant separated after ten (10) years and one (1) day of active service. Block 29. *Narrative Reason for Separation*, reflects "Reduction in Force."

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

APPLICABLE AUTHORITY/GUIDANCE

AFI 36-3203, *Service Retirements*, paragraph 3.10.1, The Air Force rarely extends HYT dates, and a member should submit request only when experiencing an extreme hardship not common to contemporaries or when an extension serves the best interest of the Air Force. If based on Best Interest of the Air Force, members make these requests when a commander finds a uniquely qualified Airman, filling a critical position, essential to the success of a vital mission and the AF has not projected a suitable replacement. The fully justified request to AFPC containing unit commander recommendation with wet or digital signatures no earlier than one year and no later than six months before the individual's HYT.

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the application because the applicant did not submit a HYT extension request prior to separating. The applicant is requesting a HYT extension to continue military service. According to AFI 36-3203, HYT extensions should be submitted only when experiencing an extreme hardship not common to contemporaries or when an extension serves the best interest of the Air Force. The unsigned copy of the HYT extension letter attached by the applicant would not have met the extreme hardship criteria and would have been disapproved had it been submitted. Furthermore, AFPC/DP2SSR reviewed the Right Now Technologies (RNT) database and the Case Management System (CMS), and did not find a formal HYT extension request submitted by the applicant. There is no evidence of error or injustice on the part of the Air Force.

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 16 Sep 22 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/DP2SSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. The board found the applicant did not provide sufficient evidence to support a HYT extension. Therefore, the Board recommends against correcting the applicant's records.

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

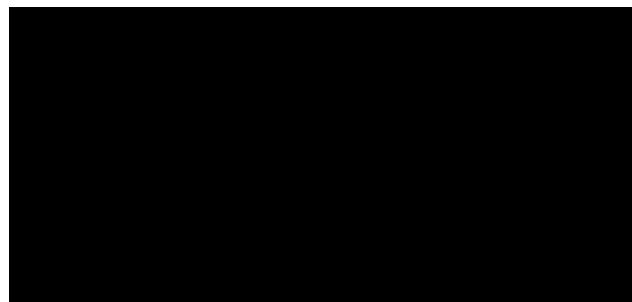
The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-01947 in Executive Session on 9 May 23:

[REDACTED] Panel Chair
[REDACTED] Panel Member
[REDACTED] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 27 Jul 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 15 Sep 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 16 Sep 22.

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.



AFBCMR Docket Number BC-2022-01947