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

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### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02278

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

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### APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be amended to reflect he was discharged in the rank of airman first class (E-3) rather than airman (E-2).

### APPLICANT'S CONTENTIONS

He was denied promotion to E-3. He served enough time-in-service for the promotion and should have been discharged as an E-3. It is the right thing to do. He knows he did not pass his Career Development Course (CDC) test; he failed twice, the second time by two points. However, his character and ability were good.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 4 Aug 92, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force in the rank/grade of airman basic/E-1.

On 4 Feb 93, according to Special Order Work-Pro... the applicant was promoted to E-2.

On 8 Dec 93, the applicant's commander advised the applicant he was not recommended for promotion to E-3 due to his second CDC test failure. The duration of the non-recommendation action was from 4 Dec 93 through 3 May 94.

On 16 May 94, according to DD Form 214, the applicant was discharged in the rank/grade of Airman/E-2, with a narrative reason for separation of Unsatisfactory Performance.

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

### AIR FORCE EVALUATION

AFPC/DPMSP (Enlisted Promotions) recommends denying the application. Based on the documentation provided and analysis of the facts, there is no evidence of an error or injustice. Air Force Regulation 39-29, *Promotion of Airmen*, dated 23 Apr 90, states do not promote an airman unless the immediate commander approves the promotion in writing. In addition, Section A states

**AFBCMR Docket Number BC-2022-02278**

Work-Product

Work-Product

that for promotion to E-2 through E-4, the non-recommendation period cannot exceed six months. On 6 Dec 93, the applicant's commander notified the applicant of his non-recommendation for promotion to E-3 due to his failure of on-the-job training and his CDC exam. The non-recommendation was effective from 4 Dec 93 through 3 May 94. The applicant has not provided any documentation which proves the commander recommended him for promotion to E-3 prior to his date of separation.

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 May 23 for comment (Exhibit D) but has received no response.

## FINDINGS AND CONCLUSION

1. The application was not timely filed. The Board 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)*.

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/DPMSPP and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2022-02278 in Executive Session on 25 Jan 24:

Work-Product	Panel Chair
Work-Product	Panel Member
Work-Product	Panel Member

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

Exhibit A: Application, DD Form 149, dated 28 Jul 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DPMSPP, dated 11 May 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 16 May 23.

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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.

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**AFBCMR Docket Number BC-2022-02278**

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