



Work-Product

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02579

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His reentry code ¹2G be changed to allow him to reenlist in the military.

APPLICANT'S CONTENTIONS

He accepts responsibility for his actions. In a departure from his customary behavior and because of curiosity and peer pressure in a one-time event he used "poppers," and he voluntarily disclosed his drug usage. He has no desire to engage in or intends to engage in drug abuse in the future. He wants his reentry code changed so he can serve in the Army or Navy.

In support of his request, the applicant provides a personal statement, waiver request, high school salutatorian diploma, college prep transcript, letters of recommendation, and other documents to support his appeal.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 20 Jul 21, according to DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, the applicant enlisted in the Regular Air Force for a period of four years.

On 20 Sep 21, the applicant's commander notified him he was recommending he be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, for Fraudulent Enlistment. Specifically, he intentionally concealed a prior service drug use history, which if revealed, could have resulted in rejection of his enlistment.

On 1 Oct 21, the applicant acknowledged notification of the discharge recommendation, waived his right to counsel, declined his Area Defense Counsel appointment and waived his right to submit statements.

On 4 Oct 21, the Chief, Administrative Discharges found the discharge action legally sufficient.

On 6 Oct 21, the discharge authority directed the applicant be discharged for Fraudulent Enlistment, with an entry level separation.

¹ Participating in or failed the Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program for drugs, or has failed to complete the ADAPT program.

On 7 Oct 21, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant received an entry level separation, with uncharacterized service. His separation code and corresponding narrative reason for separation is JDT, *Fraudulent Entry (Drug Abuse)* and his reentry code is 2G. He was not credited with active service.

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction 36-3208, *Administrative Separation of Airmen*, dated 1 Jul 20. An Airman may be discharged for fraudulent entry based on the procurement of a fraudulent enlistment or period of military service through any deliberate, material misrepresentation, omission, or concealment that, if known at the time of enlistment or entry into a period of military service, might have resulted in rejection. The fraud may occur at any time in the enlistment process; for example, when Airmen are asked to fill out forms. Airmen discharged for fraudulent entry do not receive credit for the service they performed. They receive credit if they are discharged for erroneous enlistment or the fraud is waived, and they are discharged for another reason.

AIR FORCE EVALUATION

AFPC/DP2SSM (Reenlistment Program) recommends denying the application. The applicant was discharged under Defective Enlistments, specifically, Fraudulent Enlistment with an entry level separation and uncharacterized service. The applicant was not credited with any active duty service due to the Fraudulent Enlistment. The 2G reentry code he received on his DD Form 214 is erroneous. The correct reentry code is ²2C based on his entry level separation. Reentry code 2G never applied to this applicant. Although there is an error in reference to the applicant's reentry code as stated above, there is no evidence of an error that would support a more favorable reentry code based on the documentation provided by the applicant and analysis of the facts.

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 17 Jan 23 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 the victim of an injustice. While the Board notes the recommendation of AFPC/DP2SSM against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. Even though the applicant has provided no evidence to show that his discharge was improper or not in compliance with the appropriate regulations, it is the Board's opinion that relief is warranted in this case. In this respect, after careful review of the applicant's personal statement, his age at the

² Involuntarily separated with an honorable discharge; or entry level separation without characterization of service

time of discharge, and his submission, the Board believes that a good probability exists he may be able to provide effective and meaningful service to our nation as a member of the armed forces. Furthermore, although the applicant did not specifically request it, in the interest of justice, the Board also recommends changing the applicant's separation code and corresponding narrative reason for separation to JFF, *Secretarial Authority*. Therefore, the Board believes a change to his reentry code and separation code to waiverable codes is warranted. Whether or not he is successful in his attempts to return to the military will depend on the needs of the service and the Board's recommendation in no way guarantees that he will be allowed to return to any branch of service. Accordingly, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show the DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued in conjunction with his 7 Oct 21 discharge, be amended to reflect he was discharged with a separation code and corresponding narrative reason for separation of JFF, *Secretarial Authority*, and a reentry code of 3K.

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-2022-02579 in Executive Session on 20 Jul 23:

- 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, w/atchs, dated 17 Sep 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSM, dated 17 Jan 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 17 Jan 23.

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.

9/13/2023

X **Work-Product**

Work-Product, AFBCMR
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