

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-00885

XXXXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

The rank on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed from sergeant (E-4) to technical sergeant (E-6).

### APPLICANT'S CONTENTIONS

His DD Form 214 reflects his grade as E-4; however, he separated as an E-6. He would like his DD Form 214 to accurately reflect the grade held at the time of his wrongful separation.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 26 Feb 71, according to the DD Form 4, *Enlistment Contract – Armed Forces of the United States*, the applicant entered the Regular Air Force as an airman basic (E-1).

On 1 Aug 80, according to Special Order X-XXX, dated 31 Jul 80, he was promoted to staff sergeant (E-5), effective and with a date of rank of 1 Aug 80.

On 25 May 88, the applicant received nonjudicial punishment under Article 15 of the Uniform Code of Military Justice for wrongfully using marijuana. He was sentenced to a reduction in grade to E-4, effective and with a date of rank of 25 May 88.

On 1 Jun 88, the commander recommended he be discharged from the Air Force, under the provisions of AFR 39-10, *Administrative Separation of Airmen*, for misconduct (drug abuse).

On 23 Jun 88, the Staff Judge Advocate found the discharge action legally sufficient, and the discharge authority approved the recommendation on 24 Jun 88.

On 6 Jul 88, according to DD Form 214, the applicant received a general (under honorable conditions) discharge in the rank/grade of sergeant/E-4. His separation code and corresponding narrative reason for separation reflects HKK, *Misconduct-Drug Abuse*, and his reentry code is 2B, *Involuntarily separated with a general or under other than honorable conditions discharge*. He was credited with 17 years, 4 months, and 8 days of total active service.

On 10 Apr 00, the Air Force Discharge Review Board granted the applicant's request to upgrade his general discharge to honorable with a separation code and corresponding narrative reason for separation of JFF, *Secretarial Authority*, and a reentry code of 2C, *Involuntarily separated with an honorable discharge; or entry level separation without characterization of 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/DPMSPP (Enlisted Promotions) recommends denying the application. Based on a review of the military personnel records and documentation provided, there is no evidence of an error or injustice. On 26 Feb 71, the applicant entered the Air Force as an E-1 and was progressively promoted to E-5, effective 1 Aug 80. On 25 May 88, he received nonjudicial punishment under Article 15 and was demoted to E4 for misconduct (drug abuse) and subsequently discharged on 6 Jul 88. The applicant never held the grade of E-6.

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 28 Jul 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. Specifically, the applicant was progressively promoted to E-5, effective 1 Aug 80; however, he was later demoted to E-4 for misconduct, effective 25 May 88. The grade held at the time of separation on 6 Jul 88 was E-4, which is properly annotated on his DD Form 214. 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-2023-00885 in Executive Session on 29 Feb 24:

, Panel Chair  
, Panel Member  
, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 22 Feb 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSPP, dated 25 Jul 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 Jul 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.

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Board Operations Manager, AFBCMR