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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-2023-01224

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COUNSEL: NONE

HEARING REQUESTED: YES

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### APPLICANT'S REQUEST

The separation program designator (SPD) code and corresponding narrative reason for separation on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflect "Reduction of Force for Convenience of the Government" instead of "Miscellaneous/General Reasons."

### APPLICANT'S CONTENTIONS

He was told by a Department of Veteran Affairs (DVA) representative, he remains eligible for all veteran benefits due to his separation under the force-shaping program. However, he was denied DVA benefits despite being previously issued a Certificate of Eligibility in 2016, which he never used.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

According to AF Form 100, *Request and Authorization for Separation*, item 22, the applicant voluntarily separated before completing 90 percent of his initial enlistment or required period of active service.

On 22 Sep 94, the applicant received an honorable discharge with narrative reason for separation of "Miscellaneous/General Reasons." He was credited with one year, six months and eight days 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

According to DoDI 1332.14, *Enlisted Administrative Separations* and AFI 36-3208, *Administrative Separation of Airmen*. An enlisted Service member may be separated for Convenience of the Government for numerous reasons. Airmen who do not qualify for separation for another reason may ask for separation under the "Miscellaneous Reasons" provision. As a rule, applications should be approved when the airman's early separation will serve the best interest of the Air Force. A discharge under this authority is considered as Voluntary Convenience of the Government separation.

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According to <https://www.va.gov/housing-assistance/home-loans/eligibility>, veterans who served between 2 Aug 90 and present, and did not receive a dishonorable discharge, are eligible for a DVA home loan if they served 24 continuous months or the full period for which they were called to active duty, or at least 90 days if discharged for hardship or reduction in force, or less than 90 days if discharged for a service-connected disability, or at least 20 months of a 2-year enlistment if discharged for convenience of the government.

## **AIR FORCE EVALUATION**

AFPC/DPMSSR (Retirements and Separations) recommends denying the application. Based on review of the applicant's request and the master of personnel record, there is no evidence of an error or injustice with regards to the separation code and narrative reason for separation because the applicant separated for miscellaneous/general reasons. The Air Force introduced several programs in order to meet established Department of Defense guidelines to reduce the number of personnel in order to meet end strength quotas. The Active-Duty Service Commitment (ADSC) Waiver Program allowed service members to request to voluntarily separate early prior to completing their required ADSC. Service members who submitted voluntary separation applications were instructed to submit their application using the "miscellaneous/general" provision of AFR 39-10, para 3-15. Service members who did not request voluntarily separation and were subsequently chosen for involuntary separation by the Force Shaping Board were the only personnel given the SPD code and narrative reason for separation as "Reduction in Force." There is no evidence in the applicant's record he met or was chosen by the Force Shaping Board for involuntary discharge nor did the applicant provide any such documentation that would have been given to him had he been selected. The applicant was allowed to separate prior to completion of his contractual obligation. Therefore, the discharge process and the DD Form 214 were properly prepared.

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 2 Nov 23 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/DPMSSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the applicant voluntarily separated rather than being involuntarily separated under the force shaping program. The Board also notes the applicant requested "Convenience of the Government" be included in his Narrative Reason for Separation so he would qualify for a DVA home loan. However, as detailed on the DVA website, veterans who are honorably discharged for "Convenience of the Government" must have served 20 months of a 2-year enlistment and the applicant served one year, six months, and eight days. 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 Department of the 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.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

## 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 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-2023-01224 in Executive Session on 23 Apr 24:

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Panel Chair

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Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 22 Sep 94.

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

Exhibit C: Advisory Opinion, AFPC/DPMSSR, dated 1 Nov 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 Nov 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.

7/10/2024

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