

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

████████████████████

**DOCKET NUMBER:** BC-2023-01460

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

1. He be reinstated into the Regular Air Force in the grade of second lieutenant (O-1) in his former position, remotely piloted aircraft (RPA) pilot trainee.
2. He be provided all back pay from the time of his separation.

### APPLICANT'S CONTENTIONS

His commander expressed doubts about his ability to lead and communicate effectively. The concerns were not fully substantiated and he has taken steps to address the areas of concern. He is confident with the right guidance and support he can demonstrate his ability to excel as an officer and leader.

In support of his request, he provides his officer performance report (OPR) for the period ending 31 Oct 22 and letters of support.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force second lieutenant with prior enlisted service (O-1E).

On 21 Nov 11, the applicant enlisted in the Regular Air Force.

The applicant received a referral enlisted performance report (EPR) for the period ending 31 Mar 15 for failing his fitness assessment (FA).

On 27 Aug 15, the applicant received nonjudicial punishment (NJP). The specific reason for the NJP was that on 14 Aug 15, with intent to deceive, he made a false statement his mother was in town and he had a meeting scheduled with an attorney. The statement was false as his mother was not in town and he did not have a meeting with an attorney.

On 31 Mar 16, he received a referral enlisted performance report (EPR) for lying to his superiors when questioned about his location during duty hours for which he received an Article 15.

On 20 Nov 18, he was honorably discharged in the grade of senior airman (E-4). He was credited with 7 years of active duty service.

On 1 Feb 22, the applicant commissioned in the Regular Air Force through the Air Force Reserve Officer Training Corps (AFROTC) program.

The applicant's aviation order (AO) dated 1 Apr 22 reflects the applicant was eliminated from the RPA course effective 21 Mar 22 due to medical disqualification. The applicant's entitlement to aviation incentive pay (AVIP) was terminated.

AETC Form 141, *Record of Commander's Review*, dated 18 Apr 22 shows the fighter training squadron commander (FTS) recommended the applicant be removed from the RPA initial flight training program. Based on his traits and prior enlisted experience, the FTS/CC recommended retention and reclassification in accordance with the needs of the Air Force.

On 28 Apr 22, the applicant requested on the Officer Initial Skills Training Eliminee Acknowledgement and Indication of Choice Statement that he be reclassified based on Air Force needs in conjunction with his drop on request from the RPA course.

In a personal statement dated 12 May 22, the applicant requested he be retained and reassigned to the acquisitions career field. He referenced his seven years as an enlisted aircraft maintainer and his dream to fly for the Air Force. He pursued his dreams by separating and joining the AFROTC. He applied to be an RPA pilot; however, learned it was not the career field he could fully put his talents towards. He desired to use his prior enlisted experience to aid his fellow airmen.

On 7 Jul 22, the applicant's operations support squadron commander (OSS/CC) recommended the applicant not be retrained into a non-rated Air Force Specialty Code (AFSC). While the applicant had shown some improvement in leading himself and others, his previous decision making, poor communication skills, lack of motivation and officership were of concern.

An Initial Training Reclassification (ISTR) Panel was convened and the AFPC Commander (AFPC/CC) on 7 Nov 22 approved the unanimous five panel members' recommendation that the applicant be discharged.

On 20 Feb 23, the applicant was honorably discharged with a narrative reason for separation of "Failure to Complete a Course of Instruction." He was credited with 1 year and 20 days of active duty 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/DPMLT recommends partial grant. Based on the applicant's self-elimination, the justification noted on the AETC Form 141, by the squadron and group commander and the slight inconsistency in the intent of the squadron commander's recommendation memorandum, there is a perceived unfairness. The OSS/CC did not provide any supporting justification to back the concerns presented.

On or about 14 Jul 22, the unit provided AFPC with an ISTR package noting the applicant's self-elimination for the RPA Initial Flight Training (IFT). Within the ISTR package the applicant requested reclassification into a non-rated career field. The FTS/CC supported the decision by annotating the AETC Form 141 with "recommend him for retention and reclassification." However, the OSS/CC recommended denial. The package then met the ISTR Panel in accordance with AFPCI 36-112, *Line Officer Initial skills Training Reclassification Procedures*, paragraph 2.2.1. On 7 Nov 22, the AFPC Commander (AFPC/CC) approved the unanimous ISTR five panel members' recommendation the applicant be discharged.

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 3 Oct 23 for comment (Exhibit D), and the applicant replied on 24 Oct 23. In his response, the applicant contended recognition of the OSS/CC's inconsistency in the recommendation memorandum is pivotal. On 7 Jul 22, he cited lack of leadership and adaptability as grounds for his separation. However, the same OSS/CC endorsed his 31 Oct 22 OPR with high regard. The inconsistency raises justifiable concern about the fairness of his separation.

Further, he would like to emphasize his commissioning journey. The AFROTC Detachment Commander recognized his exceptional potential, which allowed him to attain his commission in just two and one half years in the context of a four year program. After dedicating seven years to the Air Force, this accomplishment is a testament to his unwavering work ethic and commitment.

He requests the Board evaluate the evidence presented. The proposed correction he be reinstated into the Air Force in a non-rated classification to include the grade and date of rank (DOR) prior to his separation are essential for a just resolution.

The applicant's complete response is at Exhibit E.

## **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 error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMLT and finds a preponderance of the evidence substantiates the applicant's contentions in part. While the Board finds no error in the applicant's discharge process based on the recommendation of the ISTR panel and the AFPC/CC's approval of the applicant's discharge, the Board notes the recommendation of the FTS/CC that he be retained in a non-rated specialty and the applicant's desire to serve based on the needs of the Air Force to warrant reinstatement and reclassification in a non-rated specialty. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. In this respect, the applicant requests he be returned in his prior specialty of RPA pilot; however, the evidence clearly substantiates he was unable to complete the course of instruction and neither the FTS/CC nor the OSS/CC supported his retention as an RPA pilot. Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show he was not discharged from active duty on 20 Feb 23, but on that date he continued to serve on active duty pending reclassification into a non-rated AFSC.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

## 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-2023-01460 in Executive Session on 5 Dec 23:

 Panel Chair  
 Panel Member  
 Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 25 Apr 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMLT, w/atchs, dated 3 Oct 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated DD MMM YY.
- Exhibit E: Applicant's Response, w/atchs, dated 24 Oct 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.