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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01785

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His reenlistment eligibility (RE) code of "6H" listed on his NGB Form 22, *Report of Separation and Record of Service*, be changed to a code where he can reenlist into the military.

APPLICANT'S CONTENTIONS

Prior to attending Basic Military Training (BMT) and initial technical training, the Air Force Specialty Code (AFSC) he enlisted into converted to an AFSC he was not eligible to enlist into due to his Armed Services Vocational Aptitude Battery (ASVAB) test score. He submitted a letter to resign from the Air National Guard (ANG) unit stating he was unwilling to retake the ASVAB test and there was no other AFSC he could transfer into within the unit.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former airman first class who enlisted in the ANG on 6 Jun 09 in the 3A0X1 career field (Information Management).

On 13 Sep 09, he submitted a Tender of Resignation memorandum to the wing commander. He stated at the time of the memo, he had not completed in-processing to the unit and therefore was unable to acquire a training line number (TLN) prior to the last class of the 3A0X1 career field he was qualified for. Additionally, he was unwilling to retake the ASVAB test because he felt he would not receive a high enough score to meet the new 3D0X1 (Knowledge Management) AFSC requirement. Lastly, he was aware there were no other AFSCs he could transfer into within the unit.

On 13 Sep 09, his NGB Form 22 indicates he was separated from the ANG with an Entry Level Separation (ELS) characterization and RE code of "6H" which denotes "Pending Discharge – Involuntary." His authority and reason for separation is "AFI 36-3209, Paragraph 3.16 Entry Level Performance Conduct, SPD JGA." He was credited with 2 months and 16 days of Net Service during this period.

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On 21 Oct 09, the wing commander approved an ELS in accordance with Air Force Instruction (AFI) 36-3209, *Separation and Retirement Procedures for ANG and AF Reserve Members*, Chapter 3, paragraph 3.16.1, for lack of aptitude for military service; with an effective date of 13 Sep 09.

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

AIR FORCE EVALUATION

NGB/A1PP recommends granting the applicant's request. The applicant enlisted in the ANG on 6 Jun 09. On or after Aug 09, the 3A0X1 AFSC career field transitioned to a 3D0X1 career field, causing the minimum ASVAB scores to increase. The applicant submitted a voluntary tender of resignation to the wing commander for approval which was approved. Source documentation could not be verified proving the State followed proper discharge procedures outlined in AFI 36-3209, Section 4B, *Rights of Enlisted Personnel in Separation Cases*. Therefore, the applicant's NGB Form 22 should reflect a voluntary reason as outlined in AFI 36-3209 and amend his NGB Form 22, line 23, to reflect "AFI 36-3209, Paragraph 3.12.17 Miscellaneous Reason" and line 26 to reflect "6G."

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 8 Nov 23 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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 NGB/A1PP and finds a preponderance of the evidence substantiates the applicant's contentions. Specifically, the Board finds the applicant's voluntary resignation due to the change in the ASVAB requirements for his AFSC warrants a change in his reenlistment eligibility code due to a possible error in the discharge procedure. 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

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The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 13 September 2009, NGB Form 22, *Report of Separation and Record of Service*, be amended to reflect in block 23, *Authority and Reason*, “AFI 36-3209, Paragraph 3.12.17 Miscellaneous Reason, SPD FND” and in block 24, *Reenlistment Eligibility*, “6G.”

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-2023-01785 in Executive Session on 6 Mar 24:

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Panel Chair

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Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 23 May 23.

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

Exhibit C: Advisory opinion, NGB/A1PP, dated 6 Nov 23.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 8 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.

10/2/2024

X

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Board Operations Manager, AFBCMR
Signed by: USAF

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