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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02128

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The narrative reason for separation on his DD Form 214, *Certificate of Release of Discharge from Active Duty*, be changed to reflect "Non-Retention on Active Duty Due to Force Reduction" rather than "Non-Retention on Active Duty."

APPLICANT'S CONTENTIONS

He served more than 90 days and was involuntarily discharged due to force reduction under the Budget Control Act of 2011 and the narrative reason for separation disqualifies him for the Department of Veterans Affairs home loan benefit.

The applicant's complete submission is in Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman (E-2).

On 18 Mar 13, according to the AF Form 418, *Selective Reenlistment Program (SRP) Consideration for Airmen in the Regular Air Force/Air Force Reserve*, the applicant was not recommended for reenlistment due to personal actions and duty performance.

On 31 May 13, the applicant received an honorable discharge with narrative reason for separation of "Non-Retention on Active Duty" and corresponding separation program designator (SPD) code of JBK. He was credited with 1 year, 6 months and 10 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

In accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, paragraph 2.2, airmen separated under the enlisted DOS Rollback Program for FY13, dated 13 Feb 13, are separated with a (Completion of Required Active Service) and 2.17. (Separation Authorized by HQ USAF). Airmen are separated with SPD code JBK (less than 6 years of active service) or LBK (more than 6 years of active service).

By the DOS Rollback Eligibility and Commander Action Table, commanders may deny reenlistment on any airman in their command who has been identified as having one or more of

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the conditions rendering (Reason Codes) 2X, 3D, 3E, 4F, and AAC code 09 and 10 do not expire.

AIR FORCE EVALUATION

AFPC/DPMSSR (Retirements and Separations) recommends denying the application. The applicant was selected to separate as a result of PSDM 13-14, *FY13 Enlisted DOS Rollback Program*, dated 13 Feb 13, which was implemented at the time. The program was developed to meet Congressionally mandated end strength. Airmen would be separated under this program if commanders took affirmative action to deny the airman reenlistment. Review of the applicant's Master of Personnel Record reveals the commander initiated an AF Form 418 and indicated the applicant was not selected for reenlistment and specified "member's personal actions and duty performance does not meet expectations of the squadron or the USAF. I do not recommend this member for reenlistment."

Although the applicant was separated as a result of a Force Management Program, the verbiage of the SPD code cannot be altered. The Office of the Secretary of Defense (OSD) establishes all SPD codes to be used by the branches of service. The corresponding cleartext (narrative reason for separation) to the SPD code cannot be altered in any way. The applicant may provide the AFPC/DPMSSR memorandum as documentation to show proof to the DVA he was separated under DOS Rollback which was one of the Force Management Programs used to reduce end strength.

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 21 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. Therefore, the Board recommends against correcting the applicant's records. 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 and finds the application untimely.

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-2023-02128 in Executive Session on 9 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 23 Jun 23.

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

Exhibit C: Advisory Opinion, AFPC/DPMSSR, w/atchs, dated 17 Nov 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 21 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.

4/12/2024

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