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## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00029

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

1. The Letter of Reprimand (LOR) dated 25 July 2022, be removed from his records.
2. His referral Enlisted Performance Report (EPR) (AB/Spc1 thru TSgt) rendered for the period 1 April 2022 through 31 March 2023, be redacted (bullets regarding the LOR) or removed from his record.
3. His Primary Air Force Specialty Code (AFSC) 3E851, Explosive Ordnance Disposal Journeyman be reinstated.

### APPLICANT'S CONTENTIONS

The false statements made on his LOR lead to a referral EPR, which lead to one of the reasons for his AFSC disqualification. He has submitted a complaint to the Inspector General Office regarding the administrative misconduct/reprisal for seeking out medical treatment for mental health. The 436 AW/IGQ recommended the allegations be dismissed. He has repetitively pointed out the misconduct carried out by individuals in leadership with cited evidence, documentation and burden of proof, yet, to the best of his knowledge, nothing has come out of it.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a currently serving Air Force senior airman (E-4).

On 25 July 2022, according to the LOR provided by the applicant, investigation disclosed, on the morning of 15 July 2022, a senior master sergeant noticed the smell of alcohol coming from the applicant. Upon closer observation, he observed more signs of possible intoxication. A breathalyzer test was conducted at 1415 and yielded a 0.014 blood alcohol content. The applicant acknowledged receipt and understanding of the LOR. He was advised he had three days to provide a response regarding the LOR. The applicant provided a response dated 28 July 2022, and the commander decided to maintain the LOR.

DAF Form 910, *Enlisted Performance Report (EPR) (AB/Spc1 thru TSgt)*, for the period 1 April 2022 through 31 March 2023, (Referral Report) Section III, *Performance in Primary Duties/Training Requirements*, reflects "Met some but not all expectations;" Section IV, *Followership/Leadership*, reflects "Met some but not all expectations;" Comments reflect "Missed mandatory PT test appointment & did not complete test in required month—received LOR from flt Sup;" – "Discovered intoxicated during duty hrs while performing emergency resp standby

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duties—received LOR from Sq CC;” Section V, *Whole Airman/Guardian Concept*, reflects “Met some but not all expectations;” Section VI, *Overall Performance Assessment*, reflects “Met some but not all expectations.”

On 5 May 2023, the applicant provided a response to the Referral EPR.

On 7 December 2023, according to AF Form 102, *Inspection General Complaint Form*, the applicant filed an IG complaint regarding an LOR, administrative misconduct and reprisal in relation to his disqualification from the EOD career field. The remedy being sought reflects re-award AFSC 3E851 and backpay.

On 7 February 2024, according to an IG Referral Completion Report (that is not releasable) – all allegations were found to be not substantiated. A preponderance of evidence supports the LOR and disqualification were executed IAW appropriate rules and regulations. The disqualification was executed based on carer field qualification standards (AFMAN 32-3001, *Explosive Ordinance Disposal (EOD) Program*) as opposed to the regulation referenced by the complainant (AFMAN 36-2100, *Military Utilization and Classification*) which focuses on substandard performance.

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

## **AIR FORCE EVALUATION**

AFPC/DPMSSM recommends denying the application. On 25 July 2022, the issuing authority administered an LOR to the applicant for being under the influence of alcohol while on duty. The issuing authority notified the applicant he had three duty days to provide a response. Additionally, he advised the applicant he would be notified of the final disposition of the LOR. The applicant acknowledged receipt of the LOR on 25 July 2022. The applicant submitted a response to the issuing authority on 28 July 2022. On 1 August 2022, the issuing authority notified the applicant he intended to maintain the LOR; however, it would not be filed in an Unfavorable Information File (UIF). The applicant acknowledged receipt and understanding of the issuing authority’s decision on 1 August 2022.

AFPC/DPMSSM (Special Programs) can only speak to the procedural processing of the administrative action taken against the applicant, not to the content of the claims which serve as the basis for issuing the actions. Available documentation and analysis of the facts, reflect there is insufficient evidence of error or injustice. The applicant was issued the LOR in accordance with Department of the Air Force (DAFI) 36-2907, *Adverse Administrative Actions*, Chapters 1, 2, and 3. Note, for enlisted service members, LORs without UIF action are maintained at unit level and disposition is at local level discretion.

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 31 July 2024 for comment (Exhibit D), but has received no response.

## **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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMSSM and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes on 25 July 2022, the applicant was issued an LOR for being under the influence of alcohol while on duty. This incident was annotated on his 31 March 2023 Referral report. The LOR was issued in accordance with DAFI 36-2907. Further, IAW the IG report, the disqualification from the Explosive Ordnance Disposal Journeyman career field was executed based on career field qualification standards as outlined in AFMAN 32-3001. 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 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-2024-00029 in Executive Session on 14 January 2025:

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|--------------|--------------|
| Work-Product | Panel Chair  |
| Work-Product | Panel Member |
| Work-Product | Panel Member |

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 24 April 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 29 July 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 July 2024.

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.

4/14/2025

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