



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00736

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The Letter of Reprimand (LOR) dated 13 April 2022 be removed from his records.

APPLICANT'S CONTENTIONS

He was issued a LOR based on false allegations his estranged wife made as a retaliatory measure during the beginning of a pending divorce. Following these allegations, his wife also went to the local county sheriff's office but made different allegations. Based on her allegations, he was charged with burglary, kidnapping, false imprisonment, and three charges of battery. The burglary, kidnapping, false imprisonment, and two charges of battery were dropped by the state in 2023, with the remaining misdemeanor going to county court on 5 January 2024 in which the judge administered no adjudication, and the case was closed with no conviction.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force major (O-4).

On or about 5 June 2021, the applicant and his wife engaged in a verbal argument before his wife decided to spend the night at a family friend's house. He then went to the family friend's house unannounced, unlawfully entered the residence, forcibly removed his wife from the house, and placed her in his vehicle to bring her home. While driving home, he punched her in the face, and he subsequently head-butted her in the face once inside the home. Based on the above, on 21 January 2022, the Santa Rosa County Sheriff's Office (SRCO) arrested the applicant for battery (domestic violence), false imprisonment (domestic violence), and burglary with assault or battery (domestic violence).

Subsequently, on 1 April 2022, the State of Florida formally charged him with these offenses. On 13 April 2022, the applicant was issued an LOR. The applicant was provided an opportunity to respond to the LOR. On 27 April 2022, the applicant submitted a rebuttal to the LOR and on 28 April 2022, the Area Defense Counsel submitted a supplemental response. On 4 May 2022, the commander advised the applicant the response was considered; however, he elected to maintain the LOR and place it in an Unfavorable Information File (UIF), and include it in his Officer Selection Record (OSR).

On 22 November 2023, it was determined the applicant did not serve satisfactorily in the grade of lieutenant colonel, within the meaning of Section 1370(a) of Title 10 United States Code.

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However, it was determined the applicant did serve satisfactorily in the grade of major and it was directed he be retired in that grade.

On 31 May 2024, according to Special Orders Number [Work-Product] dated 7 March 2024, the applicant was relieved from active duty and retired on 1 June 2024 in the grade of major. Highest grade held on active duty reflects lieutenant colonel. He served 20 years of active service for retirement.

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. Based on the documentation provided by the applicant and analysis of the facts, there is insufficient evidence of an error or injustice as it pertains to the administration of the LOR and UIF. The commander administered the LOR in accordance with DAFI 36-2907, *Adverse Administrative Actions*, Chapter 3; there is no evidence of procedural deviations that would preclude filing in the applicant's record. The Special Programs section reviewed the applicant's Master Personnel Record Group/Officer Selection Record and documentation of the adverse administrative action, along with the applicant's response to the LOR has been filed accordingly.

On 13 April 2022, the applicant was administered an LOR for his conduct (forcibly removing his then wife and striking her multiple times). The applicant acknowledged receipt and understanding on 13 April 2022 at which time he was advised he had three duty days from the date of the LOR to provide a response. The applicant provided a written response on 27 April 2022. On 4 May 2022, the issuing authority advised the applicant the response was considered; however, the issuing authority elected to maintain the LOR and place it in a UIF, and include it in his Officer Selection Record (OSR). The Staff Judge Advocate has provided their determination the adverse information does involve a single act of which, if tried by court-martial, could have resulted in the imposition of a punitive discharge and confinement for more than one year.

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 6 May 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 there is no evidence of error or injustice pertaining to the LOR. 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-2024-00736 in Executive Session on 12 November 2024:

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 22 February 2024.

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

Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 30 April 2024.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 May 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.

3/28/2025

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