



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-01574

COUNSEL:

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His Air Force Reserve Officer Training Corps (AFROTC) debt be waived.

APPLICANT'S CONTENTIONS

His disenrollment process was riddled with errors and was completed in a rushed, haphazard manner. The references cited to disenroll him no longer exist and are obsolete; his detachment failed to provide him proper notice of his disenrollment which did not allow him the ability to refute the allegation; and he was not given a medical evaluation or was allowed the opportunity to submit a request for a medical waiver. In 2019, he was disenrolled from the AFROTC program for failing to maintain military retention standards when he allegedly failed to report a change in his medical status within 72 hours. He was not aware of this allegation and was only informed he was under investigation for possibly breaching his AFROTC contract by fraudulent enlistment and/or being medically disqualified due to his mental health. He was under the impression, he did not have to report his medical treatment from the Work-Prod... Medical Center because he was told by hospital staff his brief stay, coupled with the fact he received no formal diagnosis or medication, did not qualify as treatment which must be reported to AFROTC. He did not disclose this information until he was required to complete his application for a security clearance and was told it would not impact his prospects of commissioning. However, he was disenrolled for failing to maintain military retention standards and was told he was responsible for paying back his student loans. He was found medically disqualified for an "Unspecified Mood Disorder" but was never given a medical evaluation. He provided a clinical evaluation with his appeal request from a licensed clinical psychologist which opined he did not meet the criteria for a behavioral health or other disqualifying condition. At the time of disenrollment, he was two weeks away from graduation and a commission in the Air Force. Per AFROTCI 36-2011, *Cadet Operations*, he should have been given a medical evaluation with the possibility of submitting a request for a medical waiver. Even if his request for a medical waiver was denied, he would have been discharged without having to pay this debt. DoDI 1215.08, *Senior Reserve Officers' Training Corp (ROTC) Programs*, allows for a waiver of debt reimbursement for disenrolled cadets due to a medical disqualification.

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The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former AFROTC cadet.

On 10 Sep 15, AF Form 1056, *Air Force Reserve Officer Training Corps (AFROTC) Contract*, indicates the applicant entered into a 4-year, AFROTC scholarship contract with an expected commission date in 2019. On this same date, Reserve Order [REDACTED] indicates the applicant enlisted in the Air Force Reserve (AFR) and was attached to AFROTC Detachment [REDACTED] with [REDACTED] University.

On 8 May 19, AFROTC Form 10, *Disenrollment Action Worksheet for AFROTC Cadets*, indicates the applicant acknowledged he was being considered for disenrollment for breach of the AFROTC contract, fraudulent enlistment and for ongoing mental health, medical disqualification issues.

On 24 May 19, the Disenrollment Report of Investigation (ROI) indicates the applicant did not disclose his 2016 hospitalization stay until he submitted his security clearance application in the fall of 2017 and shared this information with the Detachment non-commissioned officer in charge (NCOIC). In Dec 18, he again disclosed this information to the investigator completing his security clearance. Additionally, in preparation for commissioning, he had to complete a medical physical where he disclosed the hospital visit from 2016. On 1 May 19, Surgeon, HQ AETC medically disqualified the applicant, and the disenrollment process was started. It is further noted, on 9 Sep 15, the applicant was briefed he was required to report any changes to his medical status to include formal counseling sessions with a mental health provider and also acknowledged during his enlistment, he must meet all medical retention standards in order to remain in the AFROTC program. Lastly, it is noted the applicant was briefed several times throughout his time in the AFROTC program as to the requirement to report any changes in medical status immediately.

On 19 Aug 19, DD Form 785, *Record of Disenrollment from Officer Candidate – Type Training*, indicates the applicant was disenrolled from AFROTC for failure to maintain military retention standards when he failed to report a change in his medical status within the required 72 hours. It is also noted, he was determined to not be medically qualified for Air Force accessions by HQ AETC/SGPS. Section IV, *Evaluation to Be considered in the Future for Determining Acceptability for Other Officer Training*, Block 3 is checked which denotes should not be considered without weighing the “needs of the service” against the reasons for this disenrollment.

Dated 27 Sep 19, Reserve Order [REDACTED] indicates the applicant was honorably discharged from the AFR, effective 19 Aug 19.

Dated 20 Sep 20, an appeal decisional letter, provided by the applicant, indicates his appeal was denied for failing to maintain military retention standards when he failed to report a change in his medical status following hospitalization in Oct 16. The diagnosis as a result of this visit was “Unspecified Mood Disorder” which disqualified him from service and the nature of the medical

condition and diagnosis did not warrant consideration for a waiver. The delayed reporting of the hospitalization coupled with the medical disqualification supported the disenrollment for cause and subsequent recoupment of scholarship funds.

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

APPLICABLE AUTHORITY/GUIDANCE

DoDI 1215.08, dated 19 Jan 17, under Section 3, paragraph f, *Disenrollment Procedures*, subparagraph (3), the Secretary of the Military Department concerned may consider medical disqualification, humanitarian reasons, needs of the Military Service, and other mitigating circumstances, in determining whether or not to require active enlisted service or to waive reimbursement for disenrolled cadets or midshipmen. Such considerations will be developed and documented carefully in the report of the board or investigating officer, or in the report and recommendations of the officer commanding the ROTC unit in cases where a report of a board of investigating officer is not prepared, and in the final action by the Secretary of the Military Department concerned. The final decision regarding whether to waive active enlisted service or reimbursement will be made by the Secretary of the Military Department concerned after careful review of the circumstances to determine that such a decision is consistent with existing statutory requirements, personnel policies or management objectives, equity and good conscience, and the best interest of the United States.

AIR FORCE EVALUATION

AFROTC/CC recommends denying the application finding no evidence of an error or injustice regarding the applicant's disenrollment. The applicant claims through counsel, references cited to disenroll him from AFROTC no longer exist and are obsolete. However, he was disenrolled under the provisions of AFI 36-2011, *Air Force Senior Reserve Officer Training Corps Program*, paragraph 2.4.1.5, and AFROTCI 36-2011, *Cadet Operations*, paragraph 16.6.2, for failure to maintain military retention standards. The applicant failed to maintain military retention standards when he failed to report a change in medical status within the required 72 hours and was further determined to be not medically qualified for Air Force accessions by HQ AETC/SGPS. The applicant was disenrolled per the instruction in-place at the time of his disenrollment, AFI 36-2011, dated 24 Apr 18, paragraph 2.4.1.5 and AFROTC Instruction 36-2011, dated 22 Jun 18, paragraph 16.6.2. For situational awareness, the instruction found in AFROTCI 36-2011, paragraph 16.6.2, is now referenced in AFROTCI 36-2011V3, paragraph 16.6.4, which states, disenrollment resulting from failure to meet or maintain military retention standards (FTMMRS) may disqualify a cadet from accession into officer and enlisted programs. The Detachment/CC may conduct an investigation for disenrollment based on FTMMRS at any time, even for an initial offense, depending on its severity. The investigation must include documentation of the cadet's failure to maintain these standards and address whether or not the failure was within the cadet's control.

Furthermore, the applicant claims through counsel, the Detachment failed to provide him with proper notice regarding his disenrollment and as a result was not afforded the ability, and did not, present evidence to refute this allegation. However, the applicant was notified about his failure to report change in medical condition which referenced AFI 36-2011's requirements to meet military retention standards and signed the counseling on 24 Apr 19 with his surname. Additionally, on 8 May 19, he signed the AFROTC Form 10, *Disenrollment Action Worksheet for AFROTC Cadets*, with his surname acknowledging the disenrollment investigation bases of "Breach of AFROTC Contract" and "Medical Disqualification." The AFROTC Form 10 states "Although I'm initiating this action for this reason or reasons, the cadet's possible disenrollment from AFROTC is not limited to this particular reason or reasons." The applicant opted to move forward with the disenrollment investigation where he was granted an opportunity to present evidence in his defense and he presented evidence during the disenrollment investigation. While he was ultimately discharged for FTMMS and medical disqualification rather than breach of contract and medical disqualification, the FTMMS was based on the same facts and circumstances surrounding the initial allegation of breach of contract. He had ample notice of the facts and circumstances giving rise to disenrollment initiation and had explicit notice of the possible reasons for disenrollment and the commander was not restricted to using the reasons initially checked on the AFROTC Form 10.

Lastly, the applicant claims, through counsel, he was discharged without receiving any medical evaluation and was not afforded the opportunity to submit for a medical waiver. However, he was disenrolled from AFROTC for two reasons. First, failure to maintain military retention standards and secondly, he was medically disqualified. If he had reported his hospitalization immediately as required per AFROTCI 36-2011, he might have been medically disqualified versus disenrolled for breach of contract. Instead, he chose not to disclose the hospitalization, resulting in him receiving years of scholarship funding fraudulently. The disenrollment investigation resulted in his disenrollment from AFROTC on 19 Aug 19. He submitted an appeal in 2020 to the AFROTC Commander requesting reconsideration of the circumstances associated with the disenrollment along with the applicant's personal circumstances and grant him a commission or waive the debt. However, the appeal in 2020 was denied and after further review, there is no new evidence and in accordance with AFROTCI 36-2011, paragraph 16.11, his request should be denied.

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 27 Jan 25 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 AFROTC/CC and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds his disenrollment was consistent with the substantive requirements of the regulation in effect at the time of his removal from the AFROTC program and was within the commander's discretion. The applicant has provided no evidence that would lead the Board to believe his disenrollment was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed. It is noted the applicant was under the impression his hospital stay did not need to be reported as a change to his medical status and when he reported the stay on his clearance application, it would not impact his commission; however, the Board notes, according to the ROI, he acknowledged his understanding of the requirements to report any mental health encounters when he was briefed on 9 Sep 15 and further notes the ROI indicated he was told by the Detachment NCOIC his clearance would take longer and may impact his commission in certain career fields. Additionally, the Board notes the applicant's contention he was not afforded the opportunity to seek a medical waiver and if denied, he would have been medically disqualified and not required to pay back the debt. However, the applicant failed to disclose the hospital visit as required, which the Board views as a breach of contract which he acknowledged on 8 May 19 as a reason for disenrollment, and as such was correctly disenrolled for failing to maintain military retention standards since he continued to receive scholarship funds for almost two years after the hospital stay. Therefore, the Board recommends against correcting the applicant's records.

4. 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)*. 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-2024-01574 in Executive Session on 19 Feb 25:

[REDACTED], Panel Chair

[REDACTED], Panel Member

[REDACTED] Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 22 Apr 24.

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

Exhibit C: Advisory Opinion, AFROTC/CC, w/atchs, dated 26 Jan 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 27 Jan 25.

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.

4/4/2025

Board Operations Manager, AFBCMR
Signed by: USAF

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