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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02055

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His numerical rating in Section IV of DD Form 785, *Record of Disenrollment from Officer Candidate – Type Training*, dated 16 September 2013, be changed from “5 – Definitely not Recommended” to “1 – Highly Recommended” or “2” – Recommended as an Average Candidate.”

APPLICANT'S CONTENTIONS

He received the harsh rating of “5” for throwing a snowball at someone; although, it did not hit the individual. His rating is extremely excessive for the infraction committed and his actions should not have precluded him from pursuing further officer candidate training. This incident occurred more than 10 years ago, and it is now his desire to continue serving his country in uniform as a commissioned officer. He has spent the last 10 years on active duty as an enlisted member and it is his belief that he should not be disqualified from commissioning based on a minor event that happened 10 years ago. His honorable service greatly outweighs this derogatory action committed as a cadet. Moreover, he did not commit any crime, break any law, or knowingly or willfully violate any Air Force regulation or rule.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving technical sergeant (E-6).

On 24 June 2010, the applicant entered the United States Air Force Academy (USAFA).

On 16 September 2013, according to the DD Form 785, the USAFA Staff Judge Advocate notified the Air Force Academy Liaison Office, of the applicant's disenrollment from officer candidate – type training, effective 2 May 2013. Specifically, he received a Letter of Reprimand for intentionally throwing a snowball at fire fighters responding to a fire alarm, making a false statement to Security Forces Investigators, and for discussing the investigation with other individuals when he was instructed not to do so. He was administratively separated from cadet status due to a voluntary resignation in lieu of involuntary disenrollment for misconduct.

On 3 May 2013, in accordance with Title 10, United States Code, Section 9348, *Cadets, agreement to serve as officer*, the applicant was transferred to the United States Air Force Reserve (USAFR) and honorably discharged, effective 14 November 2013.

On 15 November 2013, the applicant was ordered to extended active duty, in the grade of airman first class.

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On 8 June 2020, the applicant received nonjudicial punishment (NJP) under Article 15, *Record of Nonjudicial Punishment Proceedings*, of the Uniform Code of Military Justice (UCMJ), for wrongfully and orally communicating indecent language towards two (2) senior airmen, in violation of Article 134, UCMJ. He received 30 days extra duty and a reprimand.

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

AIR FORCE EVALUATION

HQ USAFA/JA recommends denying the application. There is no evidence to overturn the applicant's proper and accurate numerical rating of five (5) on his DD Form 785. The applicant's entire Cadet Wing chain of command made a recommendation based on the applicant's cadet personnel record as to what an appropriate DD Form 785 rating should be, and the USAFA Superintendent ultimately found a numerical rating of "5" was the most appropriate rating for the applicant based on his record. In accordance with Air Force Instruction (AFI) 36-2012, *Record of Disenrollment from Officer Candidate-Type Training – DD Form 785*, there is mandatory information required to be annotated on the DD Form 785. The DD Form 785, Section III denotes the reasons and circumstance for an officer trainee's disenrollment. Specifically, the factors that led to the disenrollment are elaborated in this section. Section IV of the DD Form 785 denotes an evaluation of the officer trainee to be considered in the future when determining acceptability for other officer training. The rating of "5" is given to those whose aptitude or personal behavior has consistently failed to meet the minimum standards. Moreover, these individuals may have a documented history of serious problems. In this case, Section III correctly states the circumstances surrounding the applicant's factual situation at the time of his disenrollment from the USAFA. The section IV remarks are a continuation of the comments in Section III. The applicant's request for a rating of "1" is inappropriate because his military and academic performance clearly did not demonstrate him exceeding the standards of the commissioning program, nor was he deemed by his chain of command as having capabilities that were exceptional when it came to his judgment, planning and organization, adaptability to stress, communication skills, or his professional qualities. Also, a rating of "2" is inappropriate because of the applicant's conduct and aptitude issues based on his involvement in the snowball throwing incident. Furthermore, the most egregious part of the applicant's misconduct was making a false statement to Security Forces investigators and then deciding to interfere in their investigation when instructed not to do so. While the applicant indicated he did not commit any crime, break any law, or knowingly or willfully violate any Air Force regulation or rule, we note making a false official statement to law enforcement officials is a crime under the UCMJ as is obstructing justice and/or interfering in a criminal investigation. The rating the applicant received was assigned by the USAFA Superintendent after having considered the circumstances surrounding the applicant's misconduct along with all the other entries in his personnel folder. The applicant was not motivated to obtain a commission at the time of his misconduct at the USAFA since he voluntarily resigned. Since the applicant now desires to seek a commission, he may explain how he has changed from his time at the USAFA in the officer accession training program application process. It is not appropriate to artificially inflate the applicant's DD Form 785 rating for his USAFA cadet time simply because time has passed.

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 28 October 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 HQ USAFA/JA and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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-2024-02055 in Executive Session on 11 March 2025:

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/atch, dated 10 June 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, HQ USAFA/JA, dated 25 October 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 October 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.

4/15/2025

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