



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

Office of the Assistant Secretary

Air Force Board for Correction of Military Records
SAF/MRBC
3351 Celmers Lane
Joint Base Andrews NAF Washington, MD 20762-6435

Dear Applicant:

After careful consideration of your application, docket number BC-2013-01492-2, the Air Force Board for Correction of Military Records determined there was insufficient evidence of an error or injustice. Accordingly, your application is denied.

You have the right to request reconsideration. To do so, you must send in a new DD Form 149, *Application for Correction of Military Record*, with supporting evidence, to the address above. You must present evidence not considered with your original application. Please note that restating facts previously addressed by the Board, making uncorroborated personal observations, or making additional arguments are not grounds for reopening a case.

This action is taken under authority delegated by the Secretary of the Air Force.

Sincerely,

1/8/2020

X Troy J. McIntosh

Signed by: MCINTOSH.TROY.J.1178088099
TROY J. MCINTOSH, GS-15, DAF
Acting Deputy Director
Air Force Review Boards Agency

Attachment:
Record of Proceedings



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

ADDENDUM TO RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2013-01492-2

ADAM C. DERITO

COUNSEL: MATTHEW J. GREIFE

HEARING REQUESTED: YES

APPLICANT'S REQUESTS

Through counsel, the Board reconsider/consider the following:

a. His DD Form 785, *Record of Disenrollment from Officer Candidate – Type Training*, Section IV (Evaluation to be Considered in the Future for Determining Acceptability for Other Officer Training), be corrected to reflect a numerical rating of: 1 [Highly Recommended]; 2 [Recommended as an average candidate]; or 3 [Should not be considered without weighing the “needs of the service” against the reasons for this enrollment], rather than 5 [Definitely not recommended].

b. His reentry code be changed from 4L (Separated from commissioning program eliminee OTS, AECP, and so on) to one that will allow him to reenter the military.

c. His character of service be changed from general (under honorable conditions) to honorable. **(New Request)**

d. He be reinstated as a graduate of the United States Air Force Academy Class of 2010, and issued a diploma. **(New Request)**

e. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, to amended to accurately reflect his time at the United States Air Force Academy. **(No action required)**

f. The Basic Parachutist Badge be added to his DD Form 214 **(Administratively corrected)**

g. The Global War on Terrorism Service Medal be added to his DD Form 214. **(New Request)**

h. The Small Arms Expert Marksmanship Ribbon be added to his DD Form 214. **(New Request)**

RESUME OF THE CASE

The applicant is a former United States Air Force Academy cadet who was discharged from the Air Force with a general (under honorable conditions) character of service. His reentry code is 4L and his separation code and corresponding narrative reason for separation is JFF (Secretarial Authority). He was credited with 4 years, 3 months and 16 days of *inactive* service.

FOR OFFICIAL USE ONLY - PRIVACY ACT OF 1974 APPLIES

On 16 January 2014, the Board considered and denied the applicant's requests to change his DD Form 785 and reentry code, finding that the applicant had provided insufficient evidence of an error or injustice to justify relief. The Board determined the United States Air Force Academy made a fully qualified decision regarding the applicant's dismissal and the reentry code was correct given the circumstances. USAFA/JA stated 4L is a waivable code that allows each service to waive entry. Following the Board's decision, the Air Force Academy verified the applicant's service dates and determined the service dates on his DD Form 214 were correct; however, his AF Form 973, *Request and Authorization for Reassignment/Separation* (Special Order AF-142) was incorrect so they published an amendment (Special Order AF-153) which corrected the service dates. The applicant's DD Form 214 was corrected to include the Basic Parachutist Badge and the Air Force Organizational Excellence Award.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit G.

On 27 July 2014, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) to change his character of service to honorable and his narrative reason for separation.

On 29 January 2015, following a records only review, the AFDRB determined that the discharge was consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority, that the applicant was provided full administrative due process, and denied his request.

On 5 March 2015, the AFDRB notified the applicant of the decision and advised the applicant he could request a personal appearance before the Board.

The applicant is currently serving in the Army National Guard in the grade of E-4. The DD Form 214 for his period of active duty in the Army National Guard indicates he was released from active duty training, with an honorable character of service and a reentry code "1" [Eligible for Immediate Reenlistment].

On 25 January 2017, the applicant through counsel submitted amended requests for reconsideration/consideration. Counsel contends the facts pertaining to the applicant's case have changed, which warrants reconsideration of his previous and amended requests. The cadet lied to investigators about the relationship between her and the applicant to conceal information about her own improprieties - a sexual relationship with a senior noncommissioned officer from her command while she was attending the Air Force Academy Preparatory School. An Air Force Office of Special Investigations agent told the applicant if he confessed to fraternization he would receive nonjudicial punishment; however he would be allowed to graduate from the Air Force Academy.

In support of the applicant's amended requests, counsel provides as new evidence copies of the applicant's letter to the Air Force Discharge Review Board dated 12 May 2014, and an undated letter from the Associate Director Physical Education, United States Air Force Academy. Other documents related to the applicant's appeal were previously reviewed by the Board.

Counsel's complete submission, with attachments, is at Exhibit G.

APPLICABLE AUTHORITY

Air Force Manual 36-2806, *Award and Memorialization Program*.

The Global War on Terrorism Service Medal is a military award of the United States Armed Forces which was created through Executive Order 13289 on 12 March 2003, by President George W. Bush to recognize the significant contributions of the members of the Armed Forces in support of designated War on Terrorism operations.

On 19 July 2005, the Air Force Chief of staff authorized the Global War on Terrorism Service Medal be awarded to all Air Force accessions (i.e., USAF Cadets, ROTC, basic trainees, technical school trainees, and basic training graduates), 30 days following entry on extended active duty.

The applicant did not have a period of extended active duty during his tenure at the Air Force Academy and does not meet the criteria for the Global War on Terrorism Service Medal.

Small Arms Expert Marksmanship Ribbon was established by the Secretary of the Air Force on 28 August 1962 and made effective on 1 January 1963. The ribbon is awarded to regular Air Force, Air National Guard and Air Force Reserve members, who, after 1 January 1963, qualify as "Expert" with either the M-16 rifle (to include the M-4 and GAU-5) or an issued handgun on the Air Force qualification course, an appropriate orientation course prescribed in other Air Force Instructions, other Military Services' qualification course, or who satisfactorily complete the Combat Rifle Program. AF Form 522, *Ground Weapons Training Data and USAF Firearms Qualification*, or a letter from the Small Arms Marksmanship monitor will be used as the source documentation for this award. Members who qualify as "Expert" will provide a copy of the AF Form 522 or letter to the MPS for update in the member's MILPDS records.

The applicant did not provide evidence to support he is entitled to the Small Arms Expert Marksmanship Ribbon.

FINDINGS AND CONCLUSION

1. In earlier findings, the Board determined there was insufficient evidence to warrant correcting the applicant's DD Form 785. After a careful reconsideration of his request and his most recent submission, the Board does not find the evidence provided by the applicant sufficiently compelling to warrant a revision of the Board's earlier determination in this case. Regarding the applicant's new requests, he has provided no evidence to indicate he is entitled to the Global War on Terrorism Service Medal or the Small Arms Expert Marksmanship Ribbon. In addition, other than argument and conjecture, counsel has provided no evidence that would convince the Board the applicant should be reinstated as a graduate of the United States Air Force Academy Class of 2010 and issued a diploma. We note that subsequent to the period under review, the applicant appears to have had a successful career, in the Army National Guard. The DD Form 214 for his period of active duty in the Army National Guard indicates he was released from active duty training, with an honorable character of service and a reentry code "1" which makes him eligible for reenlistment. We do not find this fact alone invalidates the actions taken by Air Force officials while the applicant attended the United States Air Force Academy. While we are not unappreciative of the applicant's service to his Nation, we are unable to conclude that actions under review were erroneous or improper, thereby warranting favorable consideration of this application. Therefore, the Board recommends against correcting the applicant's records.

2. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2013-01492-2 in Executive Session on 27 September 2019:

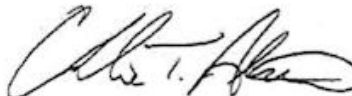
Mr. William L. Troy III, Panel Chair
Mr. Gregory A. Parker, Panel Member
Ms. Phyllis M. Joyner, Panel Member

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

Exhibit G: Record of Proceedings, w/ Exhibits A-F, dated 24 January 2014.
Exhibit H: Application, DD Form 149, w/atchs, dated 21 April 2017.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

1/8/2020

X 

Board Operations Manager, AFBCMR
Signed by: ALSTON.CHARLIE.T.1053540860