

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00746

COUNSEL: NONE

HEARING DESIRED: NO

DEC 11 1998

Applicant requests that the fraudulent entry be exonerated. Applicant's submission is at Exhibit A.

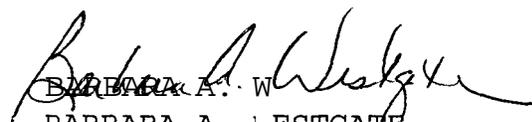
The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mrs. Barbara A. Westgate, Mr. Kenneth L. Reinertson, and Ms. Ann L. Heidig considered this application on 19 November 1998, in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.

  
BARBARA A. WESTGATE  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

AUG 21 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRS  
550 C Street West Ste 11  
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records [REDACTED]

The applicant, while serving in the grade of airman basic, was separated from the Air Force 22 Jan 98 under the provisions of AFI 36-3208 (Entry level Separation/Fraudulent Entry into Military Service) with an uncharacterized discharge. He served 24 days total active service.

Requested Action. The applicant is requesting the fraudulent entry to be exonerated. He states he feels he has performed all duties and responsibilities bestowed upon him and therefore he should receive compensation for the time served.

Facts. The applicant was notified by his commander on 15 Jan 98 that discharge action had been initiated against him for fraudulent entry into the Air Force. The commander advised applicant that if his recommendation is approved, that his discharge would be described as entry level separation and that he would be ineligible for reenlistment in the Air Force. The commander further advised him the action was being taken because he had failed to indicate on his Standard Form 93 that he had a history of mental health treatment. Had the Air Force known of this history it could have rendered him ineligible to enlist. He was advised he had a right to consult counsel and the right to submit statements in his own behalf. Applicant waived his right to counsel and did not submit statements in his own behalf. On 21 Jan 98, the discharge authority approved the Entry Level Separation for fraudulent enlistment. Airmen are given entry level separation/uncharacterized service characterization when separation action is initiated against them in the first 180 days of continuous active service.

Discussion. This case has been reviewed for separation processing and there are no errors or irregularities causing an injustice to the applicant. The discharge complies with directives in effect at the time of his discharge. The records indicate member's military service was reviewed and appropriate action was taken.

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Recommendation. Applicant did not identify any specific errors in the discharge processing nor provide facts which warrant the stated reason for his separation as fraudulent entry into military service be exonerated. In addition, AFI 36-3208, para 5.19.5 states "Airmen discharged for fraudulent entry do not receive credit for the service they performed." Accordingly, we recommend applicant's request be denied. He has filed a timely request.



Military Personnel Mgmt Spec  
Separations Branch  
Dir of Personnel Program Management



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