RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-02352

 XXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

1.  Her narrative reason for separation be changed from “Pregnancy” to “Medical.”

2.  Her “Net Active Service” and “Total Active Federal Service,” as reflected on her DD Form 214, *Report of Separation from Active Duty*, be changed.

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APPLICANT CONTENDS THAT:

She was released from active duty due to medical complications with her pregnancy; therefore, she should have been given a medical discharge. As for her total active service reflected on her DD Form 214, she completed Basic Military Training (BMT), so the service reflected should be longer than 15 days.

The applicant’s complete submission is at Exhibit A.

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STATEMENT OF FACTS:

The applicant’s military personnel records indicate she enlisted in the Regular Air Force on 4 Apr 79 in the grade of airman basic (E-1) for a period of four years.

On 17 Apr 79, the applicant was notified by her commander of his intent to recommend her discharge from the Air Force for erroneous enlistment under the provisions of AFR 39-10, *Administrative Separation of Airmen*. The action was based on the determination that she was pregnant prior to her enlistment and entry on active duty, which would have disqualified her from enlistment. She acknowledged receipt of the action and the discharge authority approved the commander’s recommendation the same day. On 18 Apr 79, she was honorably discharged and credited with 15 days of total active service.

In accordance with DoD Instruction 6130.4, *Criteria and Procedure Requirements for Physical Standards for Appointment, Enlistment, or Induction in the Armed Forces*, pregnancy is a condition that renders an applicant ineligible for induction, enlistment, or appointment into the armed forces.

In accordance with AFR 39-10, *Administrative Separation of Airmen*, Airmen may be discharged for the convenience of the government to, among other reasons, correct an erroneous enlistment or induction.

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THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.

3.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. After a thorough review of the evidence of record and the applicant’s complete submission, we are not convinced she has been the victim of an error or injustice. Based on the evidence of record, it appears the applicant’s honorable discharge due to her erroneous enlistment was appropriate based on the finding that she was pregnant prior to her enlistment; a condition that would have rendered her ineligible to enlist, had it been discovered prior to her accession. Other than her own assertions, she has provided no evidence that would lead us to believe that she was discharged due to complications with her pregnancy, her discharge was contrary to the substantive requirements of the discharge regulation, her rights were violated, or that there was an abuse of discretionary authority. As regards to her contention she should be credited with more than 15 days of active service, she has provided no evidence that she has not been appropriately credited for the total active service she performed. Therefore, absent evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered AFBCMR Docket Number BC-2010-02352 in Executive Session on 4 May 11, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

 Exhibit A.  DD Form 149, dated 30 Jun 10.

 Exhibit B.  Applicant's Master Personnel Records.