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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00245

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COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, block 24, character of service, and block 28, narrative reason for separation be corrected.

### APPLICANT'S CONTENTIONS

His discharge should not have fallen under uncharacterized or dishonorable. The applicant was just out of high school and did not understand a question. The officers did not allow him to continue his service after telling him what the question meant.

### STATEMENT OF FACTS

The applicant is a former Air Force airman basic (E-1).

On 16 Apr 08, according to the DD Form 4/1, *Enlistment/Reenlistment document Armed Forces of the United States*, the applicant enlisted in the United States Air Force Reserve for eight years, by joining the Delayed Entry/Enlistment Program (DEP) of which four years would be served on active duty.

On 14 Oct 08, according to DD Form 4/3, *Discharge From/Delayed Entry/Enlistment Program*, the applicant was discharged from the DEP and entered active duty in the Air Force for a period of six years.

On 24 Nov 08, the applicant was notified by his commander, under the authority of AFDPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section 5C, Defective Enlistment, Paragraph 5.14, that he was recommending his discharge from the Air Force for erroneous entry. The reason for this action was a history of self-mutilation that was disqualifying as indicated on the Mental Health Evaluation, dated 21 Oct 08.

On 11 Dec 08, a legal review of the proposed discharge action was found to be legally sufficient to support separation.

On 15 Dec 08, the discharge authority, after reviewing the discharge case file on the applicant, directed he be discharged with an entry level separation (ELS).

AFBCMR Docket Number BC-2024-00245

Work-Product

Work-Product

On 15 Dec 08, per DD Form 214, the applicant was discharged with an ELS, and uncharacterized character of service after serving two months and two days on active duty. His narrative reason for separation is "entry level performance and conduct."

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

## APPLICABLE AUTHORITY/GUIDANCE

DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*. The Department of Defense authorizes six characterizations of service for military service members to receive on discharge: (1) Honorable; (2) Under Honorable Conditions (General); (3) Under Other than Honorable Conditions; (4) Bad Conduct; (5) Dishonorable, and (6) Uncharacterized.

DODI 1332.14, *Enlisted Administrative Separations*. A separation will be described as an entry level separation if separation processing is initiated while an enlisted service member is in entry level status (180 days continuous active duty).

AFI 36-3208, dated 9 Jul 04, describes the authorized service characterizations that were applicable at the time of the applicant's separation.

Honorable. The quality of the airman's service generally has met Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

Under Honorable Conditions (General). If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the airman's military record.

Under Other than Honorable Conditions. When basing the reason for separation on a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of airmen. The member must have an opportunity for a hearing by an administrative discharge board or request discharge in lieu of trial by court-martial.

Entry Level Separation. Airmen are in entry level status during the first 180 days of continuous active military service or the first 180 days of continuous active military service after a break of more than 92 days of active service. Determine the member's status by the date of notification; thus, if the member is in entry level status when initiating the separation action, describe it as an entry level separation unless:

- A service characterization of under other than honorable conditions is authorized under the reason for discharge and is warranted by the circumstances of the case; or
- The Secretary of the Air Force determines, on a case-by-case basis, that characterization as honorable is clearly warranted by unusual circumstances of personal conduct and performance of military duty.

## AIR FORCE EVALUATION

AFPC/ DP2SSR recommends denying the application. The applicant was discharged with less than 180 days of active service. Airmen are in entry level status during the first 180 days of

continuous active military service. The Department of Defense (DoD) determined if a member served less than 180 days continuous active service, it would be unfair to the member and the service to characterize their limited service. Based on review of the applicant's request, there is no error or injustice with the discharge processing. To grant relief would be contrary to the criteria established by DoD guidance in DODI 1332.14.

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 26 Mar 24 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 AFPC/DP2SSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant was discharged with less than 180 days of active service. Airmen are in entry level status during the first 180 days of continuous active military service. The DoD determined if a member served less than 180 days continuous active service, it would be unfair to the member and the service to characterize their limited service. Based on review of the applicant's request, there is no error or injustice with the discharge processing. 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)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.
4. 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 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-2024-00245 in Executive Session on 12 Sep 24:

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, atchs, 17 Jan 24.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC DP2SSR, dated 23 May 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 26 Mar 24.

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.

10/3/2024

X

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Board Operations Manager, AFBCMR  
Signed by: USAF