

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00554

XXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be amended to reflect an honorable discharge.

APPLICANT'S CONTENTIONS

Around Mar 23, she received 10 percent service-connection, and her uncharacterized entry level separation (ELS) was changed to an honorable discharge. She would like an updated copy of her DD Form 214 that reflects an honorable discharge for her records.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman (E-2).

On 10 Oct 06, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force.

On 28 Nov 06, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of Air Force Instruction (AFI) 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section C, *Defective Enlistments*, paragraph 5.14 under *Basis for Discharge for Erroneous Enlistment*. The specific reason for the action was:

- Narrative summary, dated 22 Nov 06, found the applicant did not meet minimum medical standards to enlist.

On 1 Dec 06, the Staff Judge Advocate found the discharge action legally sufficient.

On 5 Dec 06, the discharge authority directed the applicant be discharged under the provisions of AFI 36-3208, Chapter 5, Section C, *Defective Enlistments*, paragraph 5.14 under *Basis for Discharge for Erroneous Enlistment*, with type of discharge being entry level and service characterization described as uncharacterized.

On 7 Dec 06, the applicant received an ELS. Her narrative reason for separation is "Failed Medical/Physical Procurement Standards," character of service is "uncharacterized," and she was credited with 1 month and 28 days of total active service.

On 21 Mar 23, according to a Department of Veterans Affairs (DVA) Rating Decision, provided by the applicant, she was granted service-connection for right ankle lateral collateral ligament sprain (chronic/recurrent) with an evaluation of 10 percent, effective 21 Sep 22.

On 15 Jan 24, according to a DVA summary of benefits letter, provided by the applicant, her recent, verified period of service was with the Air Force from 10 Oct 06 – 7 Dec 05, with an honorable character of service. The applicant's combined service-connection evaluation is 10 percent.

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

APPLICABLE AUTHORITY/GUIDANCE

In accordance with AFI 36-3208, Chapter 1 – *General Procedures*, dated 9 Jul 04:

1.19. Separation without Service Characterization:

1.19.1. *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:

1.19.1.1. 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

1.19.1.2. 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. Based on review of the applicant's request, there is no error or injustice with the discharge process.

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.

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 1 Apr 24 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 AFPC/DP2SSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. The DoD and the DVA disability evaluation systems operate under two separate laws. Under Title 10, United States Code (10 USC), Physical Evaluation Boards must determine if a member's condition renders them unfit for continued military service relating to their office, grade, rank or rating. Under 38

USC, the DVA may rate any service-connected condition based upon future employability or reevaluate based on changes in the severity of a condition. This often results in different ratings by the two agencies. A decision by the DVA under 38 USC granting service-connection does not constitute a finding by the military department; and consequently, does not influence the type or character of service determined by the DoD. The characterization of the applicant's service was in accordance with AFI 36-3208. 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-2024-00554 in Executive Session on 12 Nov 24:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 18 Jan 24.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/2SSR, dated 23 May 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 1 Apr 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.

X

Board Operations Manager, AFBCMR