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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02019

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His "Not Applicable" Entry Level Separation (ELS) be upgraded to honorable.

APPLICANT'S CONTENTIONS

Per the Department of Defense Instruction (DoDI) 1332.14, *Enlisted Administrative Separations*, entry level separations must be considered for honorable separation. His service was honorable, and his intentions are pure. His family convinced him to reexamine his character of service for Department of Veterans Affairs (DVA) benefits eligibility.

In support of his request for a discharge upgrade, the applicant provides an additional application indicating he had three traumatic brain injuries (TBI) before entering service and a DVA rating decision.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 26 Jul 84, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 39-10, *Administrative Separation of Airmen*, paragraph 5-23 for unsatisfactory entry level performance or conduct. The specific reasons for the action were, on 24 Jul 84 a Work-Product TC Form 105a, *Basic Training Record*, indicates he was recommended for discharge due to his lack of aptitude for military service; his failure to adapt to the military environment, his failure to make satisfactory progress in a required training program; his reluctance to make the effort necessary to meet Air Force standards of conduct and duty performance; his lack of self-discipline; and his minor disciplinary infractions.

On 27 Jul 84, the Deputy Staff Judge Advocate found the discharge action legally sufficient.

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On 30 Jul 84, the discharge authority directed the applicant be discharged for unsatisfactory entry level performance or conduct, with an ELS.

On 1 Aug 84, the applicant received an ELS. His narrative reason for separation is "Entry Level Performance and Conduct" and he was credited with one month and four days of total active service.

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

APPLICABLE AUTHORITY/GUIDANCE

AFR 39-10 describes the authorized service characterizations applicable at the time of the applicant's separation.

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 (SAF) 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.

Honorable. The quality of the airman's service generally has met Department of the 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.

AIR FORCE EVALUATION

The AFRBA Psychological Advisor recommends denying the application, finding insufficient evidence to support the applicant's request for the desired change to his records from a mental health perspective. The Psychological Advisor has reviewed the available records and finds the applicant's condition of three TBIs Existed Prior to Service (EPTS) and had no direct impact or was a contributing factor to his poor performance and attitude which resulted in his ELS. The applicant had sustained three TBIs which occurred before he entered the service, and there is no evidence he had any residual effects from these prior service TBIs affecting his maladaptive behavioral problems and poor performance during service. There is no evidence he sustained a TBI during service, and the Psychological Advisor concurs with the DVA's decision, there is no evidence his brief military service had permanently aggravated his EPTS TBIs.

The applicant's records indicated he had personal problems (his girlfriend's illness) which distracted him from focusing and concentrating on his work. His leadership was understanding of his personal problems and provided opportunities for him to call home, but he still needed to perform his duty and learn his job. He was reported to have been uncooperative and not amenable to his leadership's efforts to help him improve and repair his behaviors. He was referred and evaluated at the mental health clinic (MHC) due to his unsatisfactory performance and the results of the evaluation found he did not like being ordered around, he lacked the willingness to be successful at basic military training (BMT) and in the Air Force, he had attitude and motivational problems, there was no evidence he had any safety concerns, and he was not given any mental disorder diagnosis. He was recommended to be eliminated from training for failure to perform. From his mental health evaluation results, it appeared he was well aware of his actions and decisions. He most likely had difficulties adjusting to the BMT environment, but his difficulties did not elevate to meeting the diagnostic criteria for a mental health condition or mental disorder. He repeatedly told his leadership and the mental health provider he wanted to get out of the Air Force and would do whatever it would take to accomplish this goal. He did reach this goal and was discharged under ELS after serving for 1 month and 4 days or about 34 days of service.

The applicant was furnished with an uncharacterized character of service because he was separated under ELS for serving less than 180 days of continuous active military service. This is in accordance with AFR 39-10, the regulation he was discharged under, and DAFI 36-3211 (less than 365 days for this regulation), the current regulation for military separations. Contrary to his contention, DoDI 1332.14 did not state his ELS must be considered for an honorable character of service, especially since his TBI was EPTS and was not aggravated by his military service.

LIBERAL CONSIDERATION: Liberal consideration is not applied to the applicant's petition. Kurta Memorandum #15 clearly states liberal consideration is not required for cases involving preexisting conditions which were determined to not have been aggravated by military service. As stated previously, he sustained three TBIs before his military service, which were considered to be EPTS conditions, and there is no evidence his EPTS TBIs were aggravated by his military service. The VA also made the same determination.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 25 Apr 25 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed but the untimeliness is waived because it is in the interest of justice to do so. Therefore, the Board declines to assert the three-year limitation period established by 10 U.S.C. Section 1552(b).
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 the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board noted the applicant's contention of three TBIs prior to joining the Air Force; however, liberal consideration was not applied to this request. The TBIs were EPTS and there is no evidence they were aggravated during his short time in service. Additionally, airmen are given entry level separation with uncharacterized service when they fail to complete a minimum of 180 days of continuous active military service and the applicant only served 34 days of active service, therefore, the type of separation and character of service are correct as indicated on his DD Form 214. The SAF can determine honorable service is warranted if unusual circumstances of personal conduct and performance of military duty is present; however, the Board finds no evidence to suggest such and therefore, recommends against correcting the applicant's records for this request.
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 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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-02019 in Executive Session on 11 Jul 25:

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, Panel Chair

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, Panel Member

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, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 29 May 24.

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Exhibit B: Documentary Evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFRBA Psychological Advisor, dated 26 Mar 25.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 25 Apr 25.

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.

7/22/2025

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Board Operations Manager, AFBCMR

Signed by: USAF

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