



*Work-Product*

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

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**ADDENDUM TO RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

*Work-Product*

**DOCKET NUMBER:** BC-2020-01378-2

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

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**APPLICANT'S REQUEST**

The Board reconsider his request to change his "Uncharacterized" Entry Level Separation (ELS) to an honorable, medical separation.

**RESUME OF THE CASE**

The applicant is a former Air Force airman first class (E-3).

On 16 Dec 20, the Board considered and denied his request for a discharge upgrade and medical separation; finding the applicant had provided insufficient evidence of an error or injustice to justify relief and the prior request was not timely submitted. While the Board noted the AFBCMR Medical Advisor indicated correcting the applicant's discharge to honorable under AFR 39-10, *Physical Evaluation for Retention, Retirement and Separation*, paragraph 1-19 (2) (c), the Board felt his "Uncharacterized" ELS was appropriately administered.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit F.

On 22 Dec 21, the applicant requested reconsideration of his request for a discharge upgrade and medical separation. He again contends he should have been given a medical separation based on the determination and decision made by the physicians at *Work-Product* USAF Medical Center which concluded his condition would hinder his continued service in the military. The ELS he was given denotes an individual could not adapt to the military. This is not the case with his discharge as he was discharged due to a medical condition.

In support of his reconsideration request, the applicant submitted the following new evidence: (1) an information letter from the Veterans Consortium; (2) his Veterans identification card; (3) an article on types of discharges; and (4) his Informal Physical Evaluation Board Findings.

The applicant's complete submission is at Exhibit G.

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## APPLICABLE AUTHORITY/GUIDANCE

The military's Disability Evaluation System (DES), established to maintain a fit and vital fighting force, can by law, under Title 10, U.S.C., only offer compensation for those service incurred diseases or injuries which specifically rendered a member unfit for continued active service and were the cause for career termination; and then only for the degree of impairment present at the "snapshot" in time of separation and not based on post-service progression of disease or injury. To the contrary, the Department of Veterans Affairs (DVA), operating under a different set of laws, Title 38, U.S.C., is empowered to offer compensation for any medical condition with an established nexus with military service, without regard to its impact upon a member's fitness to serve, the narrative reason for release from service, or the length of time transpired since the date of discharge.

According to AFI 36-3208, *Administrative Separation of Airmen*, incorporating changes through 8 Jun 17, paragraph 1.18, the types of service characterization are as follows:

**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.

## 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 the victim of an error or injustice. The Board concurs with the rationale and recommendation of the AFBCMR Medical Advisor's opinion from the original case and finds a preponderance of the evidence substantiates the applicant's contentions in part. The applicant was separated within the first 180 days of continuous active service under the provisions of AFR 35-4, by reason of disability and given an ELS. Under this regulation, it is permitted to grant the applicant an honorable service characterization. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. The applicant's medical condition was determined to have existed prior to service and was not service aggravated to qualify for a medical separation. Therefore, the Board recommends correcting the applicant's records as indicated below.
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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 14 May 1990, he was discharged with service characterized as honorable.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

#### CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2020-01378-2 in Executive Session on 21 Sep 22:

Work-Product Panel Chair

Work-Product, Panel Member

Work-Product Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit F: Record of Proceedings, w/ Exhibits A-E, dated 16 Dec 20.

Exhibit G: Application, DD Form 149, w/atchs, dated 22 Dec 21.

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Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.12.9.

6/27/2023

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Board Operations Manager, AFBCMR  
Signed by: USAF