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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-00387

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be amended to reflect the following:

- a. Item 8b (Station Where Separated): Work-Product rather than Work-Product.
- b. Item 9 (Command to Which Transferred): Remove N/A.
- c. Item 11 (Primary Specialty): Remove N/A.
- d. Item 13, *Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized*: National Defense Service Medal, Air Force Training Ribbon, and the Global War on Terrorism-Service Medal, rather than N/A.
- e. Item 14 (Military Education): Basic Military Training and Fire Academy Training rather than N/A.
- f. Item 19b (Nearest Relative): Mother.

2. His record show he sold sixty (60) days of leave.

APPLICANT'S CONTENTIONS

Upon separation from active duty, his Military Personnel Flight (MPF) and unit failed to provide the proper forms required to process his DD Form 214. He contacted the Air Force Personnel Center (AFPC) Total Force Service Center (TFSC) and was instructed that they would process the form. He was never stationed at Work-Product as indicated on his DD Form 214 and his primary specialty, decorations, and training are not annotated on his DD Form 214. Further, his record does not show he sold 60 days of leave.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 30 May 2017, according to DD Form 4, *Enlistment/Reenlistment Document, Armed Forces of the United States*, the applicant enlisted in the Regular Air Force for a period of four years.

On 16 December 2020, according to DD Form 214, the applicant received a general (under honorable conditions) discharge in the grade of E-3. Type of Separation reflects "Release from Void Enlistment" and his separation code and narrative reason for separation is JDA, *Fraudulent Entry*. He was not credited with active service.

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For more information, see the excerpt of the applicant's record at Exhibit B and the advisories at Exhibits C through F.

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-3208, *Administrative Separation of Airmen*, dated 9 Jul 04. An airman may be discharged for fraudulent entry based on the procurement of a fraudulent enlistment or period of military service through any deliberate, material misrepresentation, omission, or concealment that, if known at the time of enlistment or entry into a period of military service, might have resulted in rejection. The fraud may occur at any time in the enlistment process; for example, when airmen are asked to fill out forms. Airmen discharged for fraudulent entry do not receive credit for the service they performed.

AIR FORCE EVALUATION

AFPC/DP2SSR (DD Form 214 Policy and Procedures) recommends denying the request to amend "Station Where Separated" and "Address of Nearest Relative" on the DD Form 214. AFI 36-3202, *Separation Documents*, Table 4, Rule 11 directs that the "Station Where Separated" will reflect the "location of the facility where the separation documents were prepared." The applicant's separation documents were prepared at JBSA Randolph, TX by the AFPC TFSC as reflected in block 22a of the form. Furthermore, address of the nearest relative is only used in the event a member cannot be contacted directly. Once the applicant's separation consummates, this information is no longer necessary and does not require any correction on the document. Both, the station where separated and address of the nearest relative are administrative only and do not affect benefits or entitlements, nor require correction. The data is accurately reflected in accordance with governing directives. As a result, there is no error or injustice with the DD Form 214 preparation.

The complete advisory opinion is at Exhibit C.

AFPC/DP2SSM (Special Programs) recommends denying the request to update the record to show he sold 60 days of annual leave. In accordance with AFI 36-3003, *Military Leave Program*, dated 24 August 2020, paragraph 1.2.5., the MPF advises members of limitation on total of 60 days of leave that can be sold back in a career. In accordance with DoDI 1327.06, *Leave and Liberty Policy and Procedures*, dated 15 January 2021, paragraph 6.1.9. f. *Entitlement and Accumulation*, Members of the Armed Forces, regardless of their DoD Component, are entitled by section 701 of Reference (e) to accumulate leave at the rate of 2 1/2 days for each month of active service. Except as provided in paragraph 1.h. of this enclosure, or when a service member is in a missing status, leave accumulated more than 60 days (75 days until 30 September 2015) shall be lost at the end of the fiscal year.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. The applicant claims he sold 60 days of leave upon his separation from the Air Force. However, he has not provided any source document reflecting he sold any leave, nor is it indicated on his DD Form 214.

The complete advisory opinion is at Exhibit D.

AFPC/DP2SSR (DD Form 214 Policy and Procedures) recommends denying the request to remove "N/A" in blocks 9, 11, 13, and 14 on his DD Form 214. In accordance with the *DD Form 214 Personnel Services Delivery (PSD) Guide*, blocks 9, 11, 13, and 14 will be denoted by "N/A" based on the reason for separation (fraudulent entry/enlistment). The applicant was discharged

with a narrative reason for separation as “fraudulent entry/enlistment;” therefore, the DD Form 214 was correctly prepared as indicated.

The complete advisory opinion is at Exhibit E.

AFPC/DP3SP (Recognition Program) recommends denying the request to award the National Defense Service Medal, Global War on Terrorism Service Medal, and the Air Force Training Ribbon. Based on the documentation presented and review of the official record, the contested awards were unable to be verified.

In accordance with Air Force Manual (AFMAN) 36-2806, *Awards and Memorialization Program*, the National Defense Service Medal was established to recognize honorable active military service during periods of conflict or national crisis, as designated by the Secretary of Defense. The medal may be awarded to members of the U.S. Armed Forces, to include the U.S. Coast Guard, who are on active duty; members of the Selected Reserve in good standing; members of other than the Selected Reserve called to active duty; cadets in the Air Force Academy and Air Force members who have completed Air Force Basic Training. The term “Selected Reserve” is defined by 10 U.S.C. § 10143. The medal is not authorized for award to: Discharged or retired members who did not serve during one of the time periods for which the medal is authorized; Members of the Individual Ready Reserve, Inactive National Guard, or Standby Reserve unless activated under 10 U.S.C. § 12301, 12302 or 12304; and Reserve Officer Training Corps cadets and members called to active duty for the sole purpose of undergoing a physical examination, for training only, or to serve on boards, courts, or commissions. For service during the Korean and Vietnam Wars, the medal is not authorized for award to: members of the Guard and Reserve Forces on short tours of active duty to fulfill training obligations under the inactive duty training program; any service member on temporary duty or temporary additional duty for the sole purpose of serving on boards, courts, commissions, or similar organizations; and any service member on active duty for the sole purpose of undergoing a physical examination. For service during the Gulf War, Executive Order 12776 expanded eligibility for the medal to include any Service member in good standing with a Reserve Component and members other than the Selected Reserve who were called to active duty. The medal is not authorized during the Gulf War to any service member on active duty for the sole purpose of undergoing a physical examination; any member of the Individual Ready Reserve, the Inactive National Guard or the Standby, or Retired Reserve whose active duty service was for training only, or to serve on boards, courts, commissions, and similar organizations.

The Global War on Terrorism Service Medal was established to recognize the significant contributions of the members of the Armed Forces in support of designated War on Terrorism operations. The medal is awarded to members who participated in the War on Terrorism operations outside of the designated areas of eligibility for the Global War on Terrorism Expeditionary Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, and Inherent Resolve Campaign Medal on or after 11 September 2001 to a future date to be determined. The member must have served on active duty, on or after 11 September 2001, for a minimum of 30 consecutive or 60 non-consecutive days, not including initial accession training, or regardless of time served while on active duty, on or after 11 September 2001, and: was engaged in actual combat; or was killed, wounded, or died not due to negligence or wrongful misconduct. The Air Force Chief of Staff (CSAF) authorized award of the medal to members who directly or indirectly supported the designated operations and meet all other eligibility criteria. Members supporting War on Terrorism operations in a non-deployed status, whether stationed at home or overseas are eligible for the medal. Effective 19 July 2005, the CSAF authorized award of the medal to Air Force accessions 30 days following entry on extended active duty.

The Air Force Training Ribbon was authorized by the CSAF on 12 October 1980 and is awarded to Air Force members on completion of initial accession training after 14 August 1974. In December 1986, the criteria expanded and authorized the ribbon to anyone who was on active duty in December 1986, regardless of when they completed initial accession training. Completion of technical training, career developmental courses, and the other Military Services' basic training accession programs do not qualify for the ribbon.

In accordance with Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*, members discharged for fraudulent entry do not receive credit for the service they performed. Members receive credit if they are discharged for erroneous enlistment; the fraud is waived, and they are discharged for another reason. Per the DD Form 214, the applicant did not receive credit for the service he performed (00 Years and 00 Months); Type of Separation: Release from Void Enlistment; Character of Service: Under Honorable Conditions – (General); Narrative Reason for Separation: Fraudulent Entry. To grant relief would be contrary to the criteria established by the DAFI 36-3211 and AFMAN 36-2806.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 30 March 2023 for comment (Exhibit G) 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 applicant contends his MPF failed to provide the proper forms required to process his DD Form 214. In addition, his primary specialty, decorations, and training are not annotated on his DD Form 214. However, as noted above, Airmen discharged for fraudulent entry do not receive credit for the service they performed. Therefore, the Board concurs with the rationale and recommendation of AFPC/DP2SSR, AFPC/DP2SSM, and AFPC/DP3SP and finds a preponderance of the evidence does not substantiate the applicant's contentions. Accordingly, the Board 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 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-2021-00387 in Executive Session on 19 October 2023:

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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 2 February 2021.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 25 March 2021.
- Exhibit D: Advisory Opinion, AFPC/DP2SSM, dated 8 June 2021.
- Exhibit E: Advisory Opinion, AFPC/DP2SSR, dated 27 October 2021.
- Exhibit F: Advisory Opinion, AFPC/DP3SP, dated 6 January 2023.
- Exhibit G: Notification of Advisories, SAF/MRBC to Applicant, dated 30 March 2023.

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.

11/2/2023

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Board Operations Manager, AFBCMR

Signed by: Work-Product

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