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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-00464

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His "Uncharacterized" entry level separation (ELS) be upgraded to general (under honorable conditions).
2. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to show "Service Connected Injury – Moderate injury to left and right knee, injury to neck with 3 inch scar below right ear" in Block 18.

APPLICANT'S CONTENTIONS

He was discharged because he did not complete technical school and was told the Air Force did not want to chance that his knee injury would result in having to pay for knee surgery. Because of his knee injury, which was caused by a malfunctioning electronic hangar door, he was not able to attend his training classes at technical school. His U.S. Congressman informed him that he could have his DD Form 214 corrected to reflect his service-connected injuries and have his character of service changed to general so he can obtain benefits.

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 27 Mar 91, 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 5.22b(3), for unsatisfactory performance. The specific reasons for the action were as follows:

- a. On two separate occasions, the applicant failed to progress in training which led to his removal from technical school on 14 Mar 91 which is annotated on the ATC Form 125A, *Record of Administrative Training Action*. It is noted that the applicant demonstrated academic deficiencies, average motivation and enthusiasm, and average aptitude scores, except in electronics, which he could not pass, with a recommendation of discharge.

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CUI Categories: SP-MIL/SP-PRVCY
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On 28 Mar 91, the discharge authority directed the applicant be discharged for unsatisfactory entry level performance, with an ELS. It was noted his Armed Services Vocational Aptitude Battery (ASVAB) scores did not support reclassification.

On 29 Mar 91, the applicant received an “Uncharacterized” ELS. His narrative reason for separation is “Entry Level Performance.” He was credited with 5 months and 14 days of total active service.

For more information, see the excerpt of the applicant’s record at Exhibit B and the advisories at Exhibits C and D.

APPLICABLE AUTHORITY/GUIDANCE

Per AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*, and the DD Form 214, Total Force Personnel Services Delivery (PSD) Guide, service connected injuries are not annotated on a member’s DD Form 214.

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

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- 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 applicant's request for a discharge upgrade finding no error or injustice with the discharge process. The commander provided the Base Discharge Authority (BDA) enough documentation to support separation. Furthermore, airmen are given ELS/Uncharacterized service characterization when separation is initiated in the first 180 days continuous active service. The Department of Defense (DoD) determined if a member served less than 180 days of continuous active service, it would be unfair to the member and the service to characterize their limited service. The character of service is correct as indicated based on DoD and Air Force instructions.

The complete advisory opinion is at Exhibit C.

The AFBCMR Medical Advisor recommends denying the application. The applicant is seeking a change in both his service characterization as well as the addition of certain verbiage regarding an injury to be added under the *Remarks* section of his DD Form 214. From the applicant's own written words in his personal statement, it appears that his belief for the reason of his discharge was primarily due to the Air Force not wanting to chance his alleged knee condition giving out and having to pay for knee surgery. This advisor's opinion is that his belief was not an accurate assessment of ensuing actions. The reviewed records clearly outlined and documented that it was academic deficiency that caused his involuntary separation from Service. Despite the absence of medical records within the DoD's electronic data bases, there was no definitive evidence submitted to place a high degree of accuracy to the applicant's claim that upon closing of Chanute AFB in 1994, "no medical records were transferred to the Nation [sic] Archives Center." This advisor remains uncertain as to why "some" medical records were submitted from the late 1990 and early 1991, but others were not. Nonetheless, from the reviewed records, the sole injury, as documented on the Enlisted Performance Report (EPR), referred to the left knee which carried a ten day restriction of activities. Such documentation coupled with the emergency room (ER) description of "...banged knee against door at school today" did not significantly correlate with the injurious event described by the applicant in his personal statement. Lastly, noting the applicant's unsureness of the exact timeframe of his 1991 incident as he noted "In Jan or Feb 91..." gave great pause to this advisor that the described event for which he was seen in the ER on 6 Mar 91 was a completely separate event from what the applicant describes with regard to being struck by the electronic hanger door. The evidence to support a favorable outcome in this case was severely lacking to the point of being near non-existent. The lack of medical documentation, no matter the reasoning, would not have dictated a change in the assignment of an ELS. In accordance with AFI 36-3208, paragraph 1.19.1, an ELS is otherwise known as an "uncharacterized discharge." Such a separation description is given to individuals who separate prior to completing 180 days of military service, or when discharge action was initiated prior to 180 days of service. This type of discharge does not attempt to characterize service as good or bad, but simply denotes the service member's short time in uniform. This brief time constraint reflects an inadequate period to

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appropriately and fairly judge an individual's work characteristics because in the first few months of service, a new enlistee's duties revolves around training; both Basic Military Training (BMT) and technical school, prior to performing their specialized work. In this particular case, although his service time was close (164 days), it still remained below the 180 day threshold and therefore, an "uncharacterized" characterization of service was appropriate. No errors or acts of intentional injustice were identified in this case review.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 19 Apr 22 for comment (Exhibit E), 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 notes the applicant believes relief is warranted based on his service-connected injuries; however, as noted above, airmen are in an entry level status during the first 180 days of continuous active military service and a characterization as honorable is only warranted by unusual circumstances of personal conduct and performance of military duty. Therefore, the Board concurs with the rationale and recommendations of AFPC/DP2SSR and the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. 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 Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. 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.

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 Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-00464 in Executive Session on 25 May 22:

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Work-Product, Panel Chair
Work-Product, Panel Member
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All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 2 Feb 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 17 Feb 22.
- Exhibit D: Advisory Opinion, AFBCMR Medical Advisor, dated 15 Apr 22.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Apr 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

3/16/2023

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Board Operations Manager, AFBCMR
Signed by: USAF