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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-02600

Work-Product

COUNSEL: NONE

Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflect eligibility for a Department of Veterans Affairs (DVA) home loan due to a medical separation.

APPLICANT'S CONTENTIONS

He enlisted into the Air Force with a guaranteed career field of 81130, Security Specialist. He was medically disqualified due to his eye sight for this career field hence the Air Force failed to fulfill their enlisted agreement with him. He requested cross training but no training could be fulfilled. When he applied for a DVA home loan he was denied due to the limited time he served and is requesting an exception.

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 28 Apr 80, AF Form 3007, *Enlistment Agreement (Non-Prior Service) United States Air Force*, indicates the applicant entered the Regular Air Force as a guaranteed training enlistee in the career field of 81130, Security Specialist.

On 12 Jun 80, the applicant was approved for a waiver to permit classification into the 81130 Air Force Specialty Career Field (AFSC).

On 18 Jul 80, ATC Form 125A, *Record of Administrative Training Actions*, indicates the applicant was recommended for withdrawal from training due to not being able to meet mandatory requirements of AFR 39-1, *Airman Classification*, for vision. It is noted the applicant could not see sufficiently to hit the target with the M16 rifle, hence future utilization in the 81130 career field was not feasible.

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Controlled by: SAF/MRB
CUI Categories: SP-MIL/SP-PRVCY
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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On 31 Jul 80, AF Form 3009, *Change to Enlistment Agreement-United States Air Force*, indicates the applicant requested to be discharged from the United States Air Force in lieu of classification into a different AFSC.

On 1 Aug 80, the applicant requested he be separated in accordance with AFR 39-10, *Administrative Separation of Airmen*, for being medically disqualified from AFSC 81130. He states "I was given option to be crossed trained and reclassified, but I did not find anything I wanted to be reclassified in."

On 1 Aug 80, the discharge authority approved the applicant's request to be discharged with an honorable service characterization.

On 7 Aug 80, DD Form 214 reflects the applicant was honorably discharged in the grade of airman first class (E-3) after serving 2 months and 18 days of active duty. He was discharged, with a narrative reason for separation of "Air Force Failure to Fulfill Enlistment Agreement."

Dated 18 Feb 21, a DVA letter states the DVA was unable to make an eligibility determination. The applicant's DD Form 214 does not show two years of service and the reason or separation does not grant an exception to the length of time requirement of service. The applicant was advised to provide evidence of service for 2 years with an honorable discharge within 30 days.

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

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the application finding no error or injustice with the discharge processing. The applicant enlisted into the Air Force with a guaranteed career field of 81130, Security Specialist. The applicant failed the visual acuity requirement for this career field and a waiver was requested and approved by HQ AFMPC Classification Center. This allowed the applicant to attend technical training in the Security Specialist Course. When the applicant failed to complete the M-16 qualification based on vision impairment, he was disqualified from Security Specialist. The applicant submitted a request to separate from the Air Force on 1 Aug 80 confirming that he was given the opportunity to retrain, but indicated that he had no interest in any other Air Force specialty. The base discharge authority approved the applicant's request to separate from the Air Force. The Air Force was unable to fulfill the enlistment agreement due to the applicant's inability to complete the required M-16 training for qualification into the guaranteed Security Specialist career field combined with his desire to separate as a result. Therefore, there was no breach of contract by the U.S. Air Force. Finally, the DD Form 214 does not specify any potential eligibility to any post-service DVA benefits or entitlements on the form. A determination of that nature is strictly at the discretion of the agency in question.

The complete advisory opinion is at Exhibit C.

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The AFBCMR Medical Advisor recommends denying the application finding no medical basis for changing the applicant's reason for discharge nor the length or type [wartime vs. peacetime] of service on his DD Form 214, to one which meets DVA home loan eligibility criteria. The Medical Advisor has reviewed the applicant's case file and the criteria necessary to gain eligibility for a DVA home loan. This criteria is available for review online, under the Department of Veterans Affairs "M26-1" policies. They include the minimum required length of qualifying service; in addition to circumstances considered exceptions to the policy, e.g., having a service-connected disability as the reason for discharge. A list of circumstances which do not qualify for the home loan program is also provided, which includes physical standards (includes a failure to meet), resignation, voluntary-miscellaneous reasons, and erroneous entry. Several example vignettes are provided to add to an understanding of the policies.

In the case under review, the Medical Advisor opines the applicant may have been errantly accepted as a "guaranteed enlistee" in the Security Specialist career field; perhaps without full prior knowledge of the more stringent visual acuity requirements, specific to the "guaranteed" AFSC as a Security Specialist. To address the matter, the Air Force offered the applicant retention in another career field, as outlined on the AF Form 3009, an opportunity which he declined and requested discharge. Now, four decades later, the applicant has been denied a DVA home loan due to failing to meet the eligibility criteria, and would like to Board to change his DD Form 214 to meet one of the recognized "exceptions" to policy. Given the circumstances confronted by the applicant and the Air Force, the Military Department could only offer the applicant an alternate career field. Thus, while the applicant was technically medically disqualified for his chosen career field, the basis for discharge was voluntary, albeit characterized as implicitly or explicitly due to the Air Force Failure to Fulfill Enlistment Agreement, under separations program designator (SPD) code "KDQ" which denotes "Breach of Contract."

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 8 Sep 22 for comment (Exhibit E), but has received no response.

The applicant's complete response is at Exhibit E.

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 concurs with the rationale and recommendation of AFPC/DP2SSR and the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds the applicant's request to annotate his eligibility for DVA benefits on his DD Form 214 to not be in error. This type of information is not a valid entry on the DD Form 214. Additionally, the Board did not find the applicant had qualified for a medical separation. He was discharged with an entry-level separation for not

meeting the medical standards for his desired profession. Furthermore, the applicant chose to separate instead of selecting a different career field and remaining in the service. 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)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. 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.

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 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 the 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-2021-02600 in Executive Session on 30 Nov 22:

Work-Product [Redacted], Panel Chair
Work-Product [Redacted], Panel Member
Work-Product [Redacted], Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 23 Jun 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 28 Mar 22.
- Exhibit D: Advisory Opinion, AFBCMR Medical Advisor, dated 7 Sep 22.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 8 Sep 22.

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.

9/28/2023

Work-Product [Redacted]

Board Operations Manager, AFBCMR
Signed by: USAF