



**CUI//SP-MIL/SP-PRVCY**  
**UNITED STATES AIR FORCE**  
**BOARD FOR CORRECTION OF MILITARY RECORDS**

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-02672

*Work-Product*

**COUNSEL:** NONE

*Work-Product*

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

Her discharge with an uncharacterized service characterization be changed to an honorable under medical conditions.

**APPLICANT'S CONTENTIONS**

She was separated due to a medical condition. She became emotionally depressed, has no insurance and needs to see the Department of Veterans Affairs (DVA) for depression.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force airman basic.

On 23 Jan 08, DD Form 4, *Enlistment/Reenlistment Document Armed Forces of the United States*, indicates the applicant enlisted in the Air Force Reserve for eight years under the Delayed Entry/Enlistment Program (DEP). She was discharged from the DEP and enlisted in the Regular Air Force 29 Jul 08 for a period of six years

On 12 Nov 08, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, specifically Chapter 5, Section C, Defective Enlistments, Paragraph 5.14 under Basis for Discharge for Erroneous Enlistment. The specific reason for the action was a medical narrative summary, dated 6 Nov 08 that found the applicant did not meet minimum medical standards to enlist and should not have been allowed to join the Air Force because she had migraines.

On 13 Nov 08, the Assistant Staff Judge Advocate found the discharge action legally sufficient.

On 17 Nov 08, the discharge authority directed the applicant be discharged for Erroneous Enlistment, with an uncharacterized service characterization.

On 18 Nov 08, the applicant received an uncharacterized discharge. Her narrative reason for separation is "Failed Medical/Physical Procurement Standards" and she was credited with three months and twenty days of total active service.

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

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Controlled by: SAF/MRB  
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Limited Dissemination Control: N/A  
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## **AIR FORCE EVALUATION**

AFPC/DP2SSR recommends denying the applicant's request to have her service characterization changed. The commander and Base Discharge Authority received documentation from medical authorities that indicated the applicant had a condition that existed prior to entry which interfered with further military service and therefore, directed discharge. Furthermore, Airmen are given an entry-level separation/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 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 and based on review of the applicant's request and the master personnel record, there is no error or injustice with the discharge processing.

The complete advisory opinion is at Exhibit C.

## **ADDITIONAL AIR FORCE EVALUATION**

The AFRBA Medical Advisor completed a review of all available records and finds insufficient evidence to support the applicant's request to have her service characterization changed to honorable under medical conditions. In accordance with Department of Defense Instruction 6130.03, *Medical Standards for Appointment, Enlistment, or Induction in the Military Services*, a "history of headaches, including, but not limited to migraines and tension headaches, that: (1) Are severe enough to disrupt normal activities (such as loss of time from school or work) or more than twice per year in the past 2 years, or (2) Require prescription medication more than twice per year within the last 2 years," is disqualifying. Based upon the supplied evidence, the applicant was vulnerable for administrative discharge, by reason of a harsher "Fraudulent Entry." However, the Medical Advisor found it reasonable to believe that the applicant may not have characterized her known headaches as "frequent or severe" at time she completed her DD Form 2807-1, *Report of Medical History*. Nevertheless, a preponderance of evidence indicates the applicant had a disqualifying level of headaches, requiring prescribed medications for relief. The Medical Advisor is not insensitive to the applicant's need for health insurance and the advantages that come with an Honorable service characterization. However, based upon a preponderance of evidence, and under the Presumption of Regularity in conducting the discharge action, the Medical Advisor found no evidence of error or injustice in the applicant's Entry Level Separation, with an uncharacterized service characterization.

The complete advisory opinion is at Exhibit D.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATIONS**

The Board sent a copy of the advisory opinions to the applicant on 5 May 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 concurs with the rationale and recommendations of AFPC/DP2SSR and the AFRBA Medical Advisor and finds a preponderance of the evidence does not substantiate the


applicant's contentions regarding her Entry Level Separation. 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-2021-02672 in Executive Session on 25 May 22 and 7 Jun 22:

-  Panel Chair
-  Panel Member
-  Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 22 Jul 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 15 Feb 22.
- Exhibit D: Advisory Opinion, AFRBA Medical Advisor, dated 25 Apr 22.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 5 May 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.

3/15/2023

  
Board Operations Manager, AFBCMR  
Signed by: USAF