



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-03326

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her Uncharacterized Entry Level Separation (ELS) be upgraded to an honorable medical discharge.

APPLICANT'S CONTENTIONS

She is requesting an upgrade due to the conditions at the time of her discharge. She was shoved down a flight of stairs while training, resulting in a back and knee injury. She was given a knee mobilizer and crutches then sent back to the dorms in a hospital gown. Upon arriving back to the dorms, she was called into the office and was questioned about her uniform. Her response and explanation was considered too forward and insubordinate. This was very frustrating for her since she comes from a military family and always wanted to be in the military to make a difference.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman basic (E-1).

On 13 May 92, the applicant's commander recommended she be discharged from the Air Force, under the provisions of AFR 39-10, section B, paragraph 5-11i, *Administrative Separation of Airman*, for a condition that interferes with military service- Mental Disorder. The specific reasons for the action was a diagnosis by the Department of Mental Health as having a Mental Disorder as contained in the Diagnostic and Statistical Manual of Mental Disorders (DSM III). The Department of Mental Health determined that the condition interferes with duty performance and conduct and is severe enough that her ability to function in the military is significantly impaired.

On 13 May 92, the assistant Staff Judge Advocate found the discharge action legally sufficient.

On 14 May 92, the discharge authority directed the applicant be discharged under the provisions of AFR 39-10, chapter 5, section B, paragraph 5-11i, with an ELS.

On 15 May 92, the applicant received an Uncharacterized, ELS. Her narrative reason for separation is "Conditions that interfere with military service- not disability-mental disorders." She was credited with 23 days of total active service.

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

APPLICABLE AUTHORITY/GUIDANCE

According to Department of the Air Force (DAFI) 36-3208, *Air Force Board for Correction of Military Records (AFBCMR)*, 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.

AIR FORCE EVALUATION

The AFBCMR Medical Advisor finds insufficient evidence to support the applicant's request for changes to her DD Form 214, *Certificate of Release or Discharge from Active Duty*. The applicant's records include an Emergency Room report that confirms that she experienced lower back pain (LBP). There were inconsistencies of dates, injury descriptions, and dates of the same within the documents. The description of the cause of LBP was both described by falling downstairs as well as lifting clothes at a store. Within the reviewed records, the notion of any adverse low back condition had existed prior to service (EPTS) entry was bolstered both by the applicant's own stated verification as well as reporting a duration existence that would place her just before service entry. Lastly, the applicant's own documented verbiage of having "no pain whatsoever" at her separation physical examination lent a great amount of credible support to conclude that there existed no medical condition to the degree whereby the applicant could not

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fulfill the duties and rigors of her military basic training. Her diagnosis of adjustment disorder with mixed emotional features is not considered a disability, but rather is considered as an unsuited condition for military service. This condition falls under a disqualifying condition for an administrative separation process according to Department of Defense Instruction (DoDI) 6130.03-Vol 1, section 5, paragraph (g) and (I)-1.

Lastly, the applicant's total service time of 23 days was well under 180 days, therefore, in accordance with AFI 36-3208, *Administrative Separation of Airmen*, chapter 1, section 1.19, paragraph 1.19.1, the type of separation is correctly listed as ELS. An ELS, otherwise known as an uncharacterized discharge, 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 appropriately and fairly judge an individual's work characteristics because in the first few months of service, a new enlistee's duties revolve around training; both basic military training and technical school, prior to performing their specialized work. Therefore, an 'uncharacterized' character of service is associated with an ELS.

There were no adverse medical conditions present to any degree of severity or that of unfitness to be remotely considered for processing through the Disability Evaluation System (DES). There is no error or injustice identified with her present service characterization.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 20 Oct 22 for comment (Exhibit D), 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 recommendation of the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. Airmen are given entry level separation with uncharacterized service when they fail to complete a minimum of 180 days of continuous active military service and the applicant only served 23 days of active service, therefore, the type of separation and character of service are correct as indicated on her DD Form 214. 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. 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.

RECOMMENDATION

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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, paragraph 2.1, considered Docket Number BC-2021-03326 in Executive Session on 21 Dec 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, dated 15 Sep 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFBCMR Medical Advisor, dated 17 Oct 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Oct 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.

10/20/2023
Work-Product [Redacted]
Board Operations Manager, AFBCMR
Signed by: USAF