



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-2022-00595

Work-Product

COUNSEL: NONE

Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Her character of service be changed from uncharacterized to honorable.

APPLICANT'S CONTENTIONS

During a field training exercise at technical training school, she fractured her shin and left foot, which was no fault of her own. She was going into the security specialist field at the time, and she was told because of the fracture she could no longer perform that job, and she would be discharged.

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 23 Jun 86, *Narrative Summary (Clinical Resume)*, indicates the applicant was diagnosed with "chronic shin splints" and was recommended for discharge from service for an existed prior to service (EPTS) condition.

On 1 Jul 86, AF Form 618, *Medical Board Report*, indicates the applicant was diagnosed with "Recurrent right foot pain, status-post previous injury" and she was recommended for discharge from service by reason of physical disability which EPTS and not aggravated permanently.

On 10 Jul 86, the applicant's Commander recommended the applicant be discharged under AFR 39-10, *Administrative Separation of Airman*, paragraph 5-14 with an entry level separation (ELS).

On 17 Jul 86, the applicant's discharge was approved.

On 22 Jul 86, DD Form 214, *Certificate of Release or Discharge from Active Duty*, indicates the applicant received an uncharacterized ELS with a narrative reason for separation of "Failed to Meet Physical Standards for Enlistment."

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

APPLICABLE AUTHORITY/GUIDANCE

AFR 39-10, *Administrative Separation of Airman*

AFBCMR Docket Number BC-2022-00595
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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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1-19. Separation Without Service Characterization: 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.

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the applicant's request to upgrade her discharge to honorable. A review of the master of personnel record reveals the type of discharge and character of service are correct as indicated. Airmen are given 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. Based on review of the master of personnel records and the applicant's request, there is no error or injustice with the discharge processing or the preparation of the DD Form 214.

The complete advisory opinion is at Exhibit C.

ADDITIONAL AIR FORCE EVALUATION

The AFBCMR Medical Advisor opines that the submitted evidence is insufficient to demonstrate the existence of an error or injustice. Based on the submitted documentation, it appears the administrative discharge processing as well as the narrative reasoning for separation were appropriate and accomplished in accordance with Air Force policy. In the applicant's submitted application for an upgrade to her discharge characterization, she specifically notes a "fracture of her shin and left foot." However, the submitted records revealed no evidence of any actual fracture and no evidence of a left foot fracture. Rather she was diagnosed with "shin splints." Shin splints are an inflammatory reaction of the tissues running along the shin (tibia) bone; they are not any sort of fractures. On more than a single occasion the applicant provided a clear history of having such painful leg symptoms well before entering military service and clearly, her condition existed prior to service (EPTS). It is well known within the medical community that the other term to denote shin splints is medial tibial stress syndrome (MTSS). The applicant's biomechanical anatomy truly predisposed her to the development of MTSS and did so prior to entering military service. During service, her condition simply continued as expected with such biomechanical abnormalities. Therefore, the remaining question to answer was if the EPTS condition permanently aggravated above the expected natural progression of the condition? Evidence of such aggravation above what is medically known about the condition was not present.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF THE AIR FORCE EVALUATIONS

The Board sent a copy of the advisory opinions to the applicant on 16 Nov 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 recommendation 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)*. 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-2022-00595 in Executive Session on 22 Feb 23:

Work-Product [Redacted] Panel Chair
[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 15 Feb 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 27 Jun 22.
- Exhibit D: Advisory Opinion, AFRBA Medical Advisor, dated 14 Nov 22.
- Exhibit E: Notification of Advisories, SAF/MRBC to Applicant, dated 16 Nov 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.

12/7/2023

Work-Product [Redacted]

Board Operations Manager, AFBCMR
Signed by: *Work-Product* [Redacted]