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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00609

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her "Uncharacterized" Entry Level Separation (ELS) be changed to an honorable, medical separation.

APPLICANT'S CONTENTIONS

She was injured while attending Security Forces technical training school. She was advised to see the athletic trainer for physical therapy and was told by this trainer to rest. She was never given any exercises or stretching to help with the pain. On 7 Oct 21, she was diagnosed with dorsalgia, left hip pain and a fractured left femur which medically disqualified her from completing technical training school. When she was medically disqualified from training, she no longer received medical support for the injuries she sustained while on active duty. She is seeking a medical separation to utilize Department of Veterans Affairs (DVA) benefits.

In support of her request, the applicant submitted a DD Form 2808, *Report of Medical Examination*, dated 21 Sep 20, which showed no prior-service injury to her back, left hip, or left femur. She also submitted a personal statement and an AETC Form 125A, *Record of Administrative Training Action*, which showed her medical disqualification from technical training school.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 26 Oct 21, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.22.2.3, for failure to make satisfactory progress in a required training program. The specific reasons for the action are as follows:

- a. On 7 Oct 21, a Reid Health Services Center physician's assistant, diagnosed the applicant with dorsalgia and left hip pain, medically disqualifying conditions. The

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physician's assistant determined these conditions most likely existed prior to her enlistment into the Air Force.

b. On 13 Oct 21, AETC Form 125A, indicates the applicant was diagnosed with a medical condition that is disqualifying for continued military service and was recommended for disenrollment from training.

On 9 Nov 21, the Chief of Administrative Discharges found the discharge action legally sufficient.

On 22 Nov 21, the applicant received an uncharacterized, ELS. Her narrative reason for separation is "Entry-Level Performance and Conduct." She was credited with five months and eight days of total active service.

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 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

- 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 recommends granting the applicant's request for a medical separation by changing the narrative reason for separation to a medical (disability) discharge, with severance pay. Granting her a 20 percent disability rating for lower back pain and left hip dysfunction/pain, under the Veterans Administration Schedule for Rating Disabilities (VASRD) analogous codes of 5299-5236 and 5299-5255 and a change of her uncharacterized service characterization to honorable.

The issue under review is to determine whether an error or injustice was committed in the processing of the applicant's ELS, to include the chosen narrative reason for separation and the "Uncharacterized" character of service. The definition of ELS appears in AFI 36-3208, paragraph A3.5, which states, "This type of separation is given only when the person is in his or her 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." This discharge does not attempt to characterize the type of service as either good or bad. It is not the only type of separation authorized during the first 180 days of military service, as it is possible for a person to receive either an honorable or an under other than honorable conditions discharge as well. The Medical Advisor is of the opinion the Air Force followed what it believed to be an appropriate use of established policies for the separation of members, who within the first 180 days of service, demonstrate the inability to complete required military duties. Unless warranting a referral through the Disability Evaluation System (DES) for completion of a Medical Evaluation Board (MEB) and subsequent fitness and rating determination by a Physical Evaluation Board (PEB), or other basis for discharge, then a service member is released with ELS with an "Uncharacterized" character of service.

From the record review it appeared the applicant had two separate incidents, which caused her painful symptoms. The first was apparent muscle spasms that occurred while in Basic Military Training (BMT) in early Jul 21 but resolved within a 2-week period and thus she was returned to duty without physical restrictions. Approximately six weeks later (early Sep 21), she claimed to have injured her low back while running with a pain level (both her low back and left hip) of no less than five on a ten scale and increased to seven and or nine on a ten scale with activities. The applicant did not recall any specific traumatic event, e.g., heavy lifting, pull and push, or a slip and fall that could have caused her pain. Her painful symptoms continued during technical training school and rehabilitation was unsuccessful in relieving her pain. Her physical restrictions as of 7 Oct 21 continued to include no running and restriction in performing sit-ups and push-ups. Additionally, she was to perform sitting details only. Both chapters, 5.16 and 5.18, of DoDI 6130.03, *Medical Standards for Military Service: Appointment, Enlistment, or Induction*, have an upfront statement of the following: "When considering the conditions listed in this paragraph, the condition must persist despite appropriate treatment and impair function so as to preclude satisfactory performance of required military duties of the member's office, grade, rank, or rating. Conditions in this paragraph do not meet retention standards if medical clearance cannot be given

for safe participation in Service specific physical fitness testing.” In addressing the applicant’s medical condition/symptoms during military service, it is a well-known fact the rigors of physical training during BMT and or technical training school, certain forces (compression, traction, and tension) upon the lower extremities, such as in running and marching on hard surfaces, may precipitate painful symptoms along the axial spine or adjacent skeletal structures due to repeated micro-trauma about the areas with increased activities. In light of unremarkable x-rays, some believe the development of such painful symptoms with an increase in activities, without a known direct trauma, is a result of poor prior conditioning, and thus, has been categorized as a pre-existing condition, or concluding the individual had a predisposition or “expected natural progression” for developing the clinical manifestations prior to entering military service. Nonetheless, it is the opinion of the Medical Advisor the applicant’s adverse health issues (persistent pain in the low back and left hip) clearly were incurred while performing her military duties and even if this was/is a state of prior poor conditioning, her military activities clearly permanently aggravated the pre-existing condition above the known natural progression. This was reassured by post-service appointments with the DVA for the same symptoms as reviewed in the medical records database. It is believed her condition/symptoms would not have occurred were it not for the individual’s military service.

Armed with the above facts and consistent with management policy in effect at the time of the applicant’s separation, it becomes evident the proper course of action at the time would have been to either retain the applicant until healed (an impractical option for the thousands of vulnerable recruits and technical students with susceptibility for repeat injury) or to process the applicant through the DES by conducting an MEB and subsequent review by a PEB. The Medical Advisor finds no actual evidence that either the conditions of dorsalgia or left hip pain existed prior to service (EPTS). Therefore, the Medical Advisor is of the opinion that a MEB and referral to a PEB would have been the appropriate action. If this had occurred, the Medical Advisor opines, more likely than not, the applicant would have been found unfit for further military service and discharged with severance pay. The applicant’s encounter with sports medicine on 4 Oct 21 provided a physical examination whereby one could assess an overall degree of impairment. Under the guidance of the VASRD, the applicant’s minimal decrease in spinal flexion coupled with a normal gait would rate no greater than a 10 percent impairment rating under the analogous code of 5299-5236. Additionally, having full range of motion of the hips, the maximum rating for the left hip is also 10 percent (analogously coded 5299-5255) based on tenderness and most likely painful motion (slight hip disability), secondary to the presence of tenderness. Such ratings would equate to a combined impairment rating of 20 percent.

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 14 Sep 22 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was 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 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 substantiates the applicant's contentions. Specifically, the applicant was injured while performing her military duties. Subsequently, her military activities permanently aggravated the pre-existing condition above the known natural progression and been processed through the disability evaluation system (DES) and found unfit prior to separation. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

- a. On 14 June 2021, she was found unfit to perform the duties of her office, rank, grade, or rating by reason of physical disability, incurred while she was entitled to receive basic pay; the diagnosis in her case was lower back pain, under the Veterans Affairs Schedule for Rating Disabilities (VASRD) code 5299-5236, rated at 10 percent and left hip dysfunction/pain, VASRD code 5299-5255, rated at 10 percent; with a combined rating of 20 percent; the degree of impairment was permanent; the disability was not due to intentional misconduct or willful neglect; the disability was not incurred during a period of unauthorized absence; and the disability was not received as a direct result of armed conflict or caused by an instrumentality of war.
- b. On 15 June 2021, she was not discharged with an uncharacterized, entry-level separation due to entry-level performance and conduct but instead was honorably discharged due to physical disability – entitled to severance pay, with a 20 percent compensable disability rating.

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-2022-00609 in Executive Session on 30 Nov 22:

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Panel Chair

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, Panel Member

Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 6 Feb 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFBCMR Medical Advisor, dated 13 Sep 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 14 Sep 22.

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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.

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Board Operations Manager, AFBCMR
Signed by: USAF

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