



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-2022-01745

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His "Uncharacterized" Entry Level Separation (ELS) be upgraded too honorable or general.
2. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflect his disability status.

APPLICANT'S CONTENTIONS

His medical condition clearly impeded his ability to serve or complete basic military training (BMT). All of the physical activity was directly responsible to the worsening of his medical condition as evident from the multiple visits to the emergency room (ER). He received a waiver for his medical condition to enlist in the Air Force. During his first week in BMT, he was hospitalized three times. His military service and physical requirements aggravated his condition. He needs his status changed on his DD Form 214 to qualify for disability benefits.

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 27 Jul 06, the applicant's commander recommended the applicant receive an ELS from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.14 for an erroneous enlistment due to the 24 Jul 06 medical narrative summary which found he did not meet the minimum medical standards to enlist due to his medical condition of hemoptysis which was found to have existed prior to service (EPTS).

Not dated, the Chief of Adverse Actions found the discharge action legally sufficient.

On 3 Aug 06, the discharge authority directed the applicant be discharged for erroneous enlistment, with an uncharacterized service characterization.

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On 22 Aug 06, the applicant received an uncharacterized ELS. His narrative reason for separation is “Failed Medical/Physical Procurement” and he was credited with three months and seven days of total active service.

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

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

AFPC/DP2SSR recommends denying the applicant’s request to change his character of service from uncharacterized to honorable. The applicant was discharged with less than 180 days of active service. To grant relief would be contrary to the criteria established by DoDI 1332.14, *Enlisted Administrative Separations*. Airmen are in entry level status during the first 180 days of continuous active military service. The Department of Defense determined if a member served

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less than 180 days of continuous active service, it would be unfair to the member and the service to characterize their limited service. Based on review of the applicant's request, there is no error or injustice with the discharge processing.

The complete advisory opinion is at Exhibit D.

The AFBCMR Medical Advisor recommends denying the application finding insufficient evidence to support the applicant's request for changes on his DD Form 214. There was no evidence of a material error, injustice, impropriety, or inequity found in the administrative discharge processing under the auspices of erroneous enlistment despite receiving a service entry waiver. The symptom aggravation may be an ever-present concern, but only under acute episodes of increased activity with complete resolution upon engaging in non-exerting activities. The administrative separation was appropriate and was carried out in a proper manner in accordance with applicable guidance and instruction. A listing of a service-related disability is not appropriate in this case. It simply constituted a medical condition that EPTS and was not permanently aggravated above any known natural progression of the same.

The applicant served a total of 55 days of active duty and was given an 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 is 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 judge an individual's work characteristics appropriately and fairly because in the first few months of service, a new enlistee's duties revolve around training; both BMT and technical school, prior to performing their specialized work. Therefore, an "uncharacterized" characterization of service is associated with an ELS.

It is known within the medical community there exists a risk of a re-occurrence of a collapsed lung (with associated symptoms) even years after an initial spontaneous collapse and seen even in individuals that have had surgical intervention. The applicant was discharged under the premise, had the Air Force taken a high consideration of the applicant's predisposition for developing a recurrence of adverse pulmonary symptoms, it is likely he would not have been allowed to enter service or be granted a waiver for active military service. Under such separation actions for conditions occurring so soon after entering military service, and where the evidence shows the condition existed prior to entering service, the reason for separation may be designated as "Erroneous Entry and or Failed Medical Procurement Standards." In this case, his entry level medical waiver was strictly for the history of having a collapsed lung and nothing more, whereas the identified condition noted by the applicant's commander was the coughing up of blood (hemoptysis) after performing routine physical training. It appeared the applicant did not recall any pre-service time when he experienced such a symptom as evidenced by his negative answer to the medical history question on his enlistment examination of... "Have you ever coughed up blood?" This was an inconsistent finding and in contrast when compared to the comment of having similar symptoms (to include hemoptysis) in Nov 99.

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The defined basis of erroneous enlistment in accordance with previously stated guidance is when the Air Force should not have accepted an individual for enlistment but does not involve any type of fraud intentionally committed by the individual. Errors in the enlistment process occur when the Air Force does not have the true facts or does not take the right action. An airman is subject to discharge from an erroneous enlistment if the enlistment would not have occurred had the relevant facts [a predisposition] been known by the Air Force and the eligibility criteria of AFI 36-2002, *Enlisted Accessions*, (formerly AFR 33-3) and 36-2606, *Reenlistment and Extension of Enlistment in the United States Air Force*, (formerly AFR 35-16, volume 1), had been followed.

In the case under review, it is indeed likely the applicant had no idea there were any predisposing medical concerns which could possibly develop from a prior condition until he participated in physical training in BMT. It remained clear, the immediate start of exercise in BMT, after a period of seven years without such exertion, aggravated the applicant's waived condition as it related to the condition's accompanied symptoms; however, the remaining question is... Did the onset of exercise in BMT permanently aggravate his pre-existing condition beyond its expected natural progression or known clinical expression? It is the opinion of the Medical Advisor an aggravation of such historical symptoms of chest pain, shortness of breath, and hemoptysis are simply acute in nature and are only associated in the setting of increased activity. This evidence was emphasized by the comment of "no further episodes after stopping all exertion" was documented on the 30 Jun 06 encounter. Although symptom aggravation did occur, its occurrence was not and is not of a permanent nature.

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 27 Dec 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. 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 three months and seven days of active service; therefore, the type of separation and character of service are correct as indicated on his DD Form 214. Additionally, 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. The Board finds his medical condition EPTS and was not aggravated by his military service above any known natural progression. The aggravation of his condition was acute in nature and was only associated with increased activity and was not permanent in nature. 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 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-2022-01745 in Executive Session on 22 Feb 23:

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 12 Jun 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 15 Jul 22.
- Exhibit D: Advisory Opinion, AFBCMR Medical Advisor, dated 20 Dec 22.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 27 Dec 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.

12/27/2023

Work-Product [Redacted]

Board Operations Manager, AFBCMR

Signed by: *Work-Product* [Redacted]