



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-2022-01860

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His "Uncharacterized" Entry Level Separation (ELS) be upgraded to an honorable discharge.

APPLICANT'S CONTENTIONS

After failing pararescue, he was told that he could change Air Force components and maintain an honorable status within the military. He chose to leave active duty to take advantage of the opportunity to continue service while going to school full-time. He was sworn in and signed a contract for the Air Force Reserve (AFR), effective upon discharge from active duty. He never received a copy of the contract and new orders so he contacted the Recruiter's Office, but these documents could not be found. Eventually, he received a waiver for his separation code and was able to enlist in the Air National Guard (ANG). He received an honorable discharge after serving six years. During this time, he has endured physical trauma and has been disabled.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 4 Apr 12, the applicant's commander recommended the applicant receive an ELS from the Air Force, under the provisions of AFPD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.22.2.4 for entry level performance or conduct, specifically, reluctance to make the effort necessary to meet Air Force standards of conduct and duty performance. The specific reason for the action was:

On 16 Mar 12, the applicant self eliminated from the Pararescue Development Course. As a result, he was removed from the course and transferred out of the *Work-Pro...* Training Squadron and not eligible for reclassification consideration.

On 4 May 12, the Assistant Staff Judge Advocate found the discharge action legally sufficient.

On 7 May 12, the discharge authority directed the applicant be discharged under the provisions of AFI 36-3208, chapter 5, section 5D, entry level performance or conduct, specifically, paragraph 5.22.2.4, reluctance to make the effort necessary to meet Air Force standards of conduct and duty performance.

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On 10 May 12, the applicant received an uncharacterized ELS. His narrative reason for separation is “Entry Level Performance or Conduct.” He was credited with four 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

AFPC/DP2SSR recommends denying the application. Airmen are in entry level separation during the first 180 days of continuous active military 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 applicant’s request, there is no error or injustice with the discharge processing.

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 29 Jul 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2SSR 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 four months and eight days of active service, therefore, the type of separation and character of service are correct as indicated on his DD Form 214. Therefore, the Board recommends against correcting the applicant’s records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, 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-2022-01860 in Executive Session on 26 Apr 23:

 <i>Work-Product</i>	Panel Chair
 <i>Work-Product</i>	Panel Member
 <i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 1 Apr 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 23 May 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 29 Jul 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.

1/1/2024

Work-Product

Board Operations Manager, AFBCMR

Signed by

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