



**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-2022-02084

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

---

---

**APPLICANT'S REQUEST**

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 28, *Narrative Reason for Separation* be corrected to reflect medical.

**APPLICANT'S CONTENTIONS**

He thought he was medically discharged for injuring his foot during basic military training (BMT) instead of failing to meet physical standards for enlistment.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force airman (E-2).

On 6 Oct 81, the applicant's commander recommended he be discharged from the Air Force for erroneous enlistment, under the provisions of ATCR 39-6 and AFR 39-10, *Administrative Separation of Airmen*, Chapter 3, paragraph 3-8g. The specific reason for the action was on 29 Sep 81, a Medical Evaluation Board (MEB) found he did not meet minimum medical standards for enlistment. He did not qualify for enlistment because of Pes Valgo Planus with incapacitating foot pain. This condition existed prior to service (EPTS) and had not been aggravated permanently. Therefore, his enlistment in the Air Force was erroneous. He was not recommended for disability separation because the board found he met Air Force medical standards for retention.

On 19 Oct 81, the discharge authority directed the applicant be discharged under the provisions of ATCR 39-6 and AFR 39-10, paragraph 3-8g, to be effective at the earliest practicable date.

On 22 Oct 81, the applicant received an honorable discharge. His narrative reason for separation is "Failed to Meet Physical Standards for Enlistment." He was credited with three months and nine 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 and F.

**AIR FORCE EVALUATION**

AFPC/DPMSSR recommends denying the application. The applicant's commander recommended discharge after a MEB concluded the applicant had a pre-existing condition that, if known prior to

**AFBCMR Docket Number BC-2022-02084  
CUI//SP-MIL/SP-PRVCY**

Controlled by AFMRB  
CUI Categories: SP-MIL/SP-PRVCY  
Limited Dissemination Control: N/A  
POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

**CUI//SP-MIL/SP-PRVCY**

entry, would have disqualified him from entering into military service. It was determined his enlistment was erroneous due to not meeting the minimum physical standards for enlistment into military service. The applicant acknowledged receipt of the discharge recommendation with the understanding if the discharge authority approved separation, he would not receive any disability retirement or severance pay and he would not be eligible to enlist in the Air Force as long as the disqualifying enlistment defect existed. The discharge authority approved separation and the applicant was discharged. Based on review of the applicant's request and the Master Personnel Record, 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 22 Mar 23 for comment (Exhibit D), and the applicant replied on 5 Apr 23. In his response, the applicant contends he did not fail to meet physical standards for enlistment. He injured his foot during BMT and did not have any pre-existing conditions prior to enlistment. Additionally, he was unaware and did not acknowledge he would not receive a disability retirement or severance pay.

The applicant's complete response is at Exhibit E.

**ADDITIONAL AIR FORCE EVALUATION**

The Staff Physician Adjudicator completed a review of the available records and finds insufficient evidence to demonstrate the existence of an error or injustice. Based on the submitted documentation, it appears the discharge processing as well as the narrative reason for separation were appropriate and accomplished in accordance with Air Force policy. A service member may be administratively discharged, even though related to a medical condition, when in the case of an active duty member it has been determined a disqualifying medical condition EPTS and has not been permanently aggravated by military service. The applicant initially had pain in both feet while in BMT and was seen for continuation of the same just two months into his enlistment. The consideration of the condition being permanently aggravated above the natural (long-term) progression of such a condition is not a medically plausible conclusion. Therefore, in the absence of evidence to the contrary, the Physician Adjudicator finds no compelling basis to recommend granting the relief sought in this application.

The complete advisory opinion is at Exhibit F.

**APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 1 Jun 23 for comment (Exhibit G) 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/DPMSSR and the rationale of the Staff Physician Adjudicator and finds a preponderance of the evidence does not

substantiate the applicant's contentions. The Board notes his enlistment was determined erroneous due to not meeting the minimum physical standards for enlistment into military service and his disqualifying medical condition EPTS and was not permanently aggravated by military service. Therefore, the discharge processing and narrative reason for separation were appropriate and accomplished in accordance with Air Force policy. 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 Department of the 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.

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 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-2022-02084 in Executive Session on 25 Aug 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, dated 5 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSR, w/atchs, dated 16 Mar 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Mar 23.
- Exhibit E: Applicant's Response, w/atchs, dated 5 Apr 23.
- Exhibit F: Advisory Opinion, Physician Adjudicator, w/atchs, dated 28 May 23.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 1 Jun 23.

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.

3/6/2024

*Work-Product* [Redacted]

---

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