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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02648

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

His “uncharacterized” Entry Level Separation (ELS) be upgraded.

APPLICANT’S CONTENTIONS

He sustained a shoulder injury during Basic Military Training (BMT) and had no prior history of an injury to his shoulder. Upon separation, he was given a reentry (RE) code of 4C claiming he had enlisted under fraudulent/erroneous circumstances of a pre-existing medical condition.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 15 Apr 21, the applicant’s commander recommended the applicant be discharged from the Air Force, under the provisions of AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.14 for erroneous enlistment. The specific reasons for the action were as follows:

- a. Dated 9 Apr 21, *Trainee Medical Waiver Request for Military Service* indicates the medical staff found the applicant did not meet the minimum medical standards to enlist finding him unqualified for military service. It is noted his medical conditions were considered likely to be existed prior to service (EPTS) and the applicant declined a desire for a waiver to remain in the military.

On 15 Apr 21, the Chief, Discharges and Chief, Adverse Action both found the discharge action legally sufficient.

On 21 Apr 21, the discharge authority directed the applicant be discharged for erroneous enlistment, with an ELS. On this same date, the applicant received an uncharacterized, ELS. His narrative reason for separation is “Failed Medical/Physical Procurement Standards.” His RE code is “4C” which denotes “Conditions Barring Immediate Reenlistment - Separated for concealment

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of juvenile records, minority, failure to meet physical standards for enlistment, failure to attain a 9.0 reading grade level as measured by the Air Force Reading Abilities Test, or void enlistments.” He was credited with 2 months and 27 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

Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*, describes the authorized service characterizations.

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 by changing the reason for separation to a medical (disability) discharge, with severance pay at a 10 percent disability rating for painful motion of the right shoulder under Veterans Affairs Schedule for Rating Disabilities (VASRD) analogous code 5299-5203 and changing his uncharacterized service to honorable.

The issue with this applicant's physical condition was pain, usually a low level of pain that worsened by performing push-ups. In addressing the timeline of his symptoms, beginning in BMT, with the absence of any direct trauma, the immediate increase in exercise should be highly considered. It is well known the rigors of physical training during BMT, certain forces (compression, traction, and tension) acting upon all extremities may precipitate joint changes or tearing of supporting tissues (muscles, ligaments, or nerves) around a joint; especially in the "ball and socket" joints of the hips and shoulders. From the very first clinic visit, the medical provider was concerned for surrounding tissue injury of muscle ligaments and nerve involvement and continued through follow-up appointments. Although there was some improvement, the provider specifically noted his painful condition was still an active problem. In the context of being an "active problem" coupled with failing physical rehabilitation, required physical restrictions, and unusually slow progression in healing leaves the Medical Advisor to question why this was not considered a potentially unfitting condition and to evaluate his fitness for duty via the Disability Evaluation System (DES). Per AFI 41-210, *TRICARE Operations and Patient Administration Functions*, attachment 1, section 4.51.1.2.1, airmen who have conditions that may render them unfit for continued military service per AFI 48-123, *Medical Examinations and Standards*, or are found to be unable to deploy must undergo an Initial Review-in-Lieu-of (IRILO). Medically speaking, having the providers document their continuing concern for a tear in the rotator cuff or nerve impingement of the shoulder joint in the setting of failed rehabilitation and positive provocative testing would under usual clinical care support further diagnostic tests (x-rays, magnetic resonance imaging (MRI), arthrogram) to get a definitive diagnosis. The unspecified aspect of the applicant's condition as cited on his last examination should have prompted an IRILO package instead of an ELS package. The underlying condition causing persistent pain as to interfere with fitness testing was potentially unfitting and therefore, in fairness, a fitness for duty evaluation should have been accomplished.

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 18 Apr 23 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's medical records reveal he had a potentially unfitting medical condition. The Board finds the evidence showing the medical providers continued concerns for a tear in the rotator cuff or nerve impingement of the shoulder joint coupled with the failed rehabilitation and positive provocative testing demonstrate an error occurred when the applicant

was not processed through the DES and instead was discharged due to a physical disqualification that EPTS. 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 the following:

- a. On 20 April 2021, he was found unfit to perform the duties of his office, rank, grade, or rating by reason of physical disability, incurred while he was entitled to receive basic pay; the diagnosis in his case was for painful motion of the right shoulder, under the Veterans Affairs Schedule for Rating Disabilities (VASRD) code 5299-5203, rated at 10 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 21 April 2021, he was not discharged due to physical disqualification but instead was honorably discharged due to physical disability – entitled to severance pay, with a 10 percent compensable disability rating.

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-2022-02648 in Executive Session on 21 Jun 23:

Work-Product	Panel Chair
Work-Product	Panel Member
Work-Product	Panel Member

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

- Exhibit A: Application, DD Form 149, dated 26 Sep 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFBCMR Medical Advisor, dated 17 Apr 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 18 Apr 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.

1/31/2024

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Board Operations Manager, AFBCMR

Signed by: *Work-Product*