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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00044

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect a reentry (RE) code that would allow him to reenlist into the military.

APPLICANT'S CONTENTIONS

The Air Force's medical team made an error diagnosing him with asthma. This mistake could have been made due to his heavy tobacco use at the time of service. His Pulmonary Function Test indicates there are no issues with his lung functions.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman basic (E-1) who initially entered the Regular Air Force on 24 Oct 06.

On 30 Mar 07, 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 Airman*, paragraph 5.14 for Erroneous Enlistment. The specific reason for the action was the Chronological Record of Medical Care letter dated 21 Feb 07, indicating he was diagnosed with asthma. It was determined his condition existed prior to service (EPTS) and had not been permanently aggravated by service. Had the Air Force known of this condition prior to his enlistment, it would have been determined he was ineligible for military service.

On 23 Mar 07, the Chief of Adverse Actions found the discharge legally sufficient.

On 30 Mar 07, the discharge authority directed the applicant be discharged under the provisions of AFPD 36-32 and AFI 36-3208, paragraph 5.14, with an Entry Level Separation.

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On 2 Apr 07, the applicant received an uncharacterized Entry Level Separation (ELS). His narrative reason for separation is "Erroneous Entry." He was credited with five months and nine days of total active service.

On 1 Apr 19, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to his discharge.

On 3 Oct 19, the AFDRB concluded the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and the applicant was provided full administrative due process.

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

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/DPMSSM recommends denying the application. Based on a review of the documentation provided by the applicant and analysis of the facts there is no evidence of an error or injustice in reference to applicant's RE code.

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 19 Apr 23 for comment (Exhibit D) but has received no response.

ADDITIONAL AIR FORCE EVALUATION

The AFBCMR Medical Advisor finds insufficient evidence to support the applicant's claim. Based on a review of the available records, the Medical Advisor finds no medical error in his care or the provided diagnosis of asthma. His medical history indicates his respiratory symptoms were present prior to basic training which meets the criteria of EPTS. Due to an increased activity stemming from military service there may have been an exacerbation of his EPTS asthma symptoms, but there was no evidence of a permanent aggravation of an asthma condition. There must be a permanent aggravation of a pre-existing disqualifying condition above the natural progression of the condition to be considered for medical board processing via the Disability Evaluation System (DES). His condition of asthma EPTS and was not permanently aggravated above natural expectations. Furthermore, given such a disqualifying diagnosis, there was no error or injustice committed in the administrative separation proceedings. The overall process was in accordance with regulatory guidance. The burden of proof is placed on the applicant to submit evidence to support his request. The evidence he did submit was assessed to not support his request for any change in his separation documents.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 1 Aug 23 for comment (Exhibit F) 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 recommendations of AFPC/DP2SSM and the

AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant’s contentions. His condition of asthma EPTS and was not permanently aggravated above natural progression; therefore, the Board finds no evidence that warrants a change to the applicant’s RE code. 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 five months and nine days of active service and was discharged for a medical condition which EPTS; therefore, the Board finds the RE code 2C denoting “Involuntary separation with honorable discharge or entry-level characterization of service” is correct as indicated on his DD Form 214 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 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-2023-00044 in Executive Session on 27 Sep 23:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 15 Dec 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM Advisory, dated 19 Apr 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Apr 23.
- Exhibit E: Advisory Opinion, AFBCMR Medical Advisor, dated 26 Jul 23.
- Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 1 Aug 23.

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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.

3/18/2024

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Board Operations Manager, AFBCMR

Signed by: *Work-Product*

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