



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00075

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His "Uncharacterized" Entry Level Separation (ELS) with narrative reason of separation "Failed Medical/Physical Procurement Standards" be changed to a medical separation.

APPLICANT'S CONTENTIONS

He passed the initial physical and injured his knee in basic training. He needs his discharge changed to a medical separation to receive GI Bill benefits.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

Dated 5 Aug 98, SF 93, *Report of Medical History*, indicates the applicant had a history of "trick" or locked knees with a note stating he had knee surgery in 10th or 11th grade.

On 19 Jan 99, 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 Medical Narrative Summary (NARSUM), dated 6 Jan 99, which found he did not meet minimum medical standards to enlist due to bilateral knee pain.

On 22 Jan 99, the discharge authority directed the applicant be given an ELS discharged for an erroneous enlistment, with an uncharacterized service characterization.

On 25 Jan 99, the applicant received an uncharacterized ELS. His narrative reason for separation is "Failed Medical/Physical Procurement Standards" and he was credited with 1 month and 10 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.

AFBCMR Docket Number BC-2023-00075

Work-Product

Controlled by: SAF/MRB
CUI Categories: Work-Product
Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

APPLICABLE AUTHORITY/GUIDANCE

AFI 36-3208, dated 14 Oct 94, describes the authorized service characterizations that were applicable at the time of the applicant's separation.

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 status during the first 180 days of continuous active military service. The Department of Defense (DoD) determined if a member served less than 180 days of continuous active service, it would be unfair to the member and the service to characterize their limited service.

The complete advisory opinion is at Exhibit C.

The AFBCMR Medical Advisor recommends denying the application finding insufficient evidence to support the applicant's claim of a medical error in his initial enlistment capability. Furthermore, given such a disqualifying diagnosis, there was no calculated error or rendered injustice committed by the DoD in the administrative separation proceedings. The applicant's own

details of his pain being present for a longer period of time since arriving at basic training only lent a significant amount of probative value of his existed prior to service (EPTS) condition.

The applicant is advised the current designation of “Failed Medical Procurement Standards” on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, does not imply he knowingly or fraudulently entered military service. The applicant’s presence of plica (folds in the synovial covering of bone) and associated surgeries as a child were clearly prior to service eligibility. The Medical Advisor agrees given such history and acknowledgement from the applicant regarding painful knees, pre-enlistment specialty consultation with orthopedics was appropriate to garner the applicant’s current abilities. However, upon clearance for service entry, subsequent clinic visits revealed the applicant as having knee pain prior to basic military training (BMT). It was 16 days into BMT when he reported to the military orthopedist, he has had bilateral knee pain for the past 3 weeks (21 days). Service aggravation of this pre-existing condition was not applicable. Patellofemoral syndrome is a painful musculoskeletal condition that develops over time usually in the front aspect of the knee and is frequently activity related. Under DoDI 6130.03, *Medical Standards for Appointment, Enlistment, or Induction in the Military Services*, a history of clinically diagnosed anterior knee pain including, but not limited to Patellofemoral syndrome or Patellofemoral pain syndrome, is disqualifying for service entry. Since the Military Department is not equipped to retain individuals during any lengthy healing and rehabilitation process (especially for orthopedic or musculoskeletal conditions), they are more commonly released from military service; some with the opportunity to reapply following a full and unhindered recovery. Such conditions commonly result in discharge due to failed medical/procurement standards or as an erroneous medical entry.

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 28 Feb 24 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. The Board concurs with the rationale and recommendation of AFPC/DP2SSR and the AFBCMR Medical Advisor 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 1 month and 10 days of active service, therefore, the type of separation and character of service are correct as indicated on his DD Form 214. Furthermore, the Board finds no evidence the applicant’s knee injury warranted processing through the Air Force Disability Evaluation System (DES) at the time of the applicant’s discharge nor did they find his medical

condition was aggravated by military service. The Board acknowledges the applicant was cleared for entry into the service; however, upon further medical follow-up with the military orthopedist, his anterior knee pain was found to have existed prior to his entry into the service due to the presence of plica and associated knee surgery. Therefore, the Board recommends against correcting the applicant's record. 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 and finds the application untimely.

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-2023-00075 in Executive Session on 17 Apr 24:

Work-Product

Panel Chair
, Panel Member
Panel Member

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

- Exhibit A: Application, DD Form 149, dated 19 Apr 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Master Advisory Opinion, AFPC/DP2SSR, dated 23 May 22.
- Exhibit C: Advisory Opinion, AFBCMR Medical Advisor, dated 20 Feb 24.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 28 Feb 24.

Work-Product

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.

5/10/2024

Work-Product

Board Operations Manager, AFBCMR
Signed by: USAF

AFBCMR Docket Number BC-2023-00075

Work-Product