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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01604

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COUNSEL: NONE

HEARING REQUESTED: YES

### APPLICANT'S REQUEST

Her "Uncharacterized" Entry Level Separation (ELS) be upgraded to a medical separation.

### APPLICANT'S CONTENTIONS

She was hurt during Basic Military Training (BMT) and should be given a medical separation with a pension and health benefits.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force airman basic (E-1) who was discharged on 10 May 04 with an uncharacterized ELS due to failing medical/physical procurement standards and was credited with 2 months and 17 days of active service.

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

### APPLICABLE AUTHORITY/GUIDANCE

According to AFI 36-3208, *Administrative Separation of Airmen*, dated 28 May 03, paragraph 1.18 and 1.19, 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.

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**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 AFRBA Psychological Advisor completed a review of all available records and finds insufficient evidence to support the applicant's request for medical discharge and other benefits from this type of discharge. The applicant's official discharge paperwork and service treatment records were unavailable for review, nor did she submit any of these records. She contended she was hurt on active duty while at basic training and marked Post-Traumatic Stress Disorder (PTSD) on her application. She did not provide any other clarifying information about her injury such as how this condition was incurred during her military service and how this condition impacted her ability to perform her military duties. Without any service treatment records, the Psychological Advisor is unable to determine whether her mental health condition of PTSD had existed or occurred during her military service and if her mental health condition had elevated to potentially unfitting meeting criteria for a referral to the Medical Evaluation Board (MEB) for a medical discharge. Additionally, there is no evidence indicating she was placed on a duty limiting condition profile for her mental health condition, she was never deemed not worldwide qualified due to her mental health condition, and there was no statement from her commander reporting her mental health condition had interfered with her ability to reasonably perform her military duties in accordance with her office, grade, rank, or rating. Also, without her discharge paperwork, the condition and reason for her failed medical/medical procurement could not be clarified and to assess whether there was any error or injustice with her discharge. The burden of proof is placed on the applicant to submit the necessary records to support her request and thus at this time, presumption of regularity is applied and there is no evidence of an error or injustice with her discharge. Finally, liberal consideration is not appropriate to be applied to the applicant's request because her request for a medical discharge is not covered under this policy.

The complete advisory opinion is at Exhibit C.

The AFBCMR Medical Advisor recommends denying the application due to lack of service medical and administrative evidence for the Board's consideration. The Medical Advisor directs attention to the Narrative Reason for Separation, "Failed Medical/Physical Procurement Standards." Such a designation entered upon a DD Form 214, *Certificate of Release or Discharge from Active Duty*, means it has been determined the former service member presented with one or more disqualifying medical conditions, which interfered with the ability to perform military service, but had its origin prior to entering military service. The proof of such an origin, while serving on active duty, requires clear and unmistakable evidence the condition either originated during military service, or was permanently aggravated by military service. Aggravation is not to be confused with an exacerbation, as the latter represents an acute recurrence of symptoms of a given existing disease entity, which returns to its baseline chronic or asymptomatic level, after resolution of the acute presentation.

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 12 Dec 23 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 the AFRBA Psychological Advisor and the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. The burden of proof is placed on the applicant to provide evidence to support her claim and without any service treatment records, the Board was unable to verify the applicant was hurt while in basic training as claimed. Furthermore, her reason for separation of "Failed Medical/Physical Procurement Standards" indicates she had one or more disqualifying medical conditions that originated prior to entering military service which interfered with the ability to perform military service nor was evidence presented to show her condition was permanently aggravated by military service. 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 2 months and 17 days of active service, therefore, the type of separation and character of service are correct as indicated on her DD Form 214. 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-2023-01604 in Executive Session on 21 Feb 24:

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, dated 24 Apr 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFRBA Psychological Advisor, dated 24 Jun 23.
- Exhibit D: Advisory Opinion, AFBCMR Medical Advisor, dated 8 Dec 23.
- Exhibit E: Notification of Advisory, SAF/MRBC to Applicant, dated 12 Dec 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.

3/11/2024

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Board Operations Manager, AFBCMR  
Signed by: USAF